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LECTURES

ON THE

PHILOSOPHY

OF

MODERN HISTORY,

DELIVERED IN THE UNIVERSITY OF DUBLIN

BY GEORGE MILLER D. D. M. R. I. A.

RECTOR OF DERRYVOYLAN, AND LATE FELLOW OF TRINITY COLLEGE DUBLIN, AND LECTURER ON MODERN HISTORY.

A mighty maze, but not without a plan.

Are not two sparrows sold for a farthing? And one of them shall not fall on the ground without your Father.

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LECTURES

ON THE

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OF

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LECTURE XI.

Of the history of England from the Norman Conquest in the year 1066, *to the beginning of the reign of Stephen in the year* 1135.

William I.	1066
William II.	1087
Henry I.	1100

IN the eighth lecture the history of England has been traced from the retreat of the Romans to the Norman Conquest; and, in the two which followed, the government of France has

been reviewed from the commencement of the second race of kings to that of the fourteenth century. As these countries constituted one of the two preparatory combinations of the European system, it is convenient that the progress of the English government should now in the like manner be examined to the same period, that it may be more directly compared with that of its great rival. This shall accordingly be the subject of the present, and of the two succeeding lectures. The other combination of Germany and Italy will then demand our attention.

The transactions of that early period of the English history which has been already considered, have been shown to have been all adapted to contribute to the formation of a system of common or national law, founded on the principles of a liberal and independent policy. In this view I noticed the retreat of the Romans, which left a people able to oppose a long resistance to the scattered parties of the Saxon invaders, but incapable, when thus abandoned by the empire, of maintaining among themselves the union necessary for rendering that resistance effectual; the piratical habits of the Saxons, which on the other hand not only precluded the overbearing authority of one great chieftain, but also limited within very moderate bounds the acquisitions of the several adventurers; the

gradual combination of the various Saxon principalities into one united monarchy, begun by the ascendancy of Egbert, and completed by the successes of the Danes; the efforts exerted by the illustrious Alfred to introduce improvements of every kind, but especially to constitute one common or general law, which should embrace and consolidate the combined monarchy of England; and the final accomplishment of this important purpose in the reign of Edward surnamed the Confessor. I also remarked that when this great purpose had been effected, the Saxon government seemed to prepare itself for its dissolution, as if, the destination of its existence having been attained, the principles of its political being were exhausted, and a new modification of its nature had become indispensable. The circumstances and peculiar character of Edward doubtless cooperated to favour the introduction of the Normans; but it has been shown, that the balance of the Saxon government had been already destroyed, the aristocracy having become disproportioned to the other members of the constitution.

The object of the present lecture is to examine the first influences of the new order of things introduced by the Norman Conquest; and it shall accordingly comprehend the reigns

of William I. and II. and of Henry I. the three sovereigns (*a*) of the Norman family.

In this enquiry I do not think it necessary to enter into a question, which has been strenuously agitated; whether the sovereignty of the Norman kings of England was founded on a free election, or on the right of conquest. The authorities quoted * by Hume contain abundant proof, that the government of William I. was, in his own time, regarded as established by force, and exercised with violence. This is the only important consideration in respect to the character of the government, as it was then constituted. The controversy, which began more than five centuries after the Norman revolution, had its origin in the adulation of the clergy, who were eager to gratify the passion for power, which had possessed the mind of the first of the Stuarts, on his advancement to the throne of England. Elated by the sudden and considerable augmentation of his dominions, he saw (*b*) no limits to the pretensions of his authority, and, forgetting all the notions of his presbyterian education, attached himself to the English episcopacy, as the surest support of the dignity and the prerogative of the crown. The gratitude of the English clergy corresponded to the partiality of the prince. † In the year 1607 two

* Hist. of England, vol. 1. p. 309, &c. † Neal's Hist. of the Puritans, vol. 2. p. 72. 1793, &c.

treatises were published, which maintained the most extravagant principles of despotism. One of these, written by Cowel, affirmed that the king is not bound by the laws, or by the oath which he swore at his coronation; that he is competent to ordain laws without the assistance of a parliament; and that it is only by his special favour that his subjects are permitted to give their consent to the subsidies which he requires. The other, written by Blackwood, insisted that the English were all slaves from the Norman Conquest. The parliament resented these attacks upon the constitution, and ordered that the two authors should be prosecuted; but the king prorogued the two houses, and, while he issued a proclamation against the books, protected the writers. The doctrine inculcated in the latter of these two treatises was encountered by the Discourse of N. Bacon on the Laws and Government of England, which was published soon after the death of Charles I; and has been again refuted, even within a few years from the present day, in the lectures of professor Millar of Glasgow. (*c*)

It is more important to my purpose, to notice an observation, which has been made by Mr. Ellis, in regard ro the influence of the rapidity, with which this great enterprise was achieved. The Norman Conquest, * he re-

* Spec. of Early Engl. Metr. Romances, vol. 1. p. 109.

marks, was beheld by the Welsh with the greatest exultation, because it avenged them of their enemies the Saxons, and particularly of Harold, from whom they had suffered much; but they seem to have derived from it no advantage beyond the present gratification of their passions. Had William's success, he adds, been less rapid and complete, it is probable that during his struggle for empire he might have invited the Welsh princes to share in the dangers and profits of his enterprise. If now we consider what the consequences of such a policy would naturally have been, we shall be led to conclude, that it must have been followed by a re-establishment of the old British inhabitants on the entire ruin of their Saxon conquerors, and a sudden incorporation of Wales with England. But neither of these results would have been favourable to the improvement of the constitution. The British appear to have been destitute even of the forms of a popular government; and to their Saxon masters we are indebted for (*d*) those independent principles of policy, which controlled and overpowered the military system of the Normans. If therefore the Welsh or British had been again raised to authority and influence, the revolution would have been in this respect a retrograde movement, and would have embarrassed and retarded the general progress of the nation. The inde-

pendence of Wales, on the other hand, was important to the existence of the parties in the English government; * it subsisted only by the balanced contention of the neighbouring people, and was accordingly instrumental in supporting against the crown the power of the barons. The rapid success of the enterprise of William however precluded both these consequences, by freeing him from the necessity of courting the assistance of the British. The Saxon policy accordingly was not impaired by the admixture of one which it had beneficially superseded; and the Welsh principality preserved its independence, to give its assistance in the struggles of a discontented nobility.

The Norman prince, who effected this revolution, was the illegitimate son of the preceding duke; and this circumstance, by subjecting him to the competition of many legitimate claimants of the duchy, appears to have schooled him for the great enterprise, which he afterwards achieved. Like the ancient Philip, he passed his earlier years in a series of exertions for the establishment of his domestic authority; and, like him, he distinguished his maturity by the splendid acquisition of a foreign territory. In the beginning of his struggles he was assisted † by the French monarch, Henry I, who re-

* Spec. of Early Engl. Metr. Romances, vol. 1. p. 116.

† Henault's Chron. Abridgm.

membered with gratitude the services of his father: the jealousy of Henry was indeed at length excited; but he was then sufficiently powerful to set it at defiance. The domestic embarrassments of William were terminated in the year 1047; and nineteen years afterwards, or in the year 1066, he accomplished the conquest of England.

Though, at the time of this great revolution, the Saxon government appears to have been hastening towards a crisis, yet many and various circumstances must have co-operated to facilitate to a foreign prince so sudden an acquisition of the crown. These have been almost all specified in preceding lectures, and it will be sufficient at present to give a brief enumeration of them, which must however occasion surprise on account of their number and variety. Among these circumstances we first observe the Norman descent and education of Edward the Confessor, occasioned by the temporary sway of the Danes, which had driven into Normandy his father Ethelred II. From this source were derived the partiality which Edward afterwards cherished for Norman usages and connections, the party formed in the English court by the advancement of Norman ecclesiastics to English bishoprics, and the vague encouragement which was given to the expectations of the duke of Normandy. We next perceive the peculiar si-

tuation of the French government. Philip I. of France ascended the throne when only eight years old, just six years before the enterprise of William; and during his minority the administration was confided to the count of Flanders, who was father-in-law to the duke: the remainder of his long reign of forty-eight years was distinguished by the imprudence and inefficiency of the sovereign, and constituted just such an interruption of the progress of the royal power in France, as appears to have been necessary for securing from molestation the great vassal of that crown, in an enterprise so important to the subsequent interests of both countries. A third favourable circumstance may be found * in the actual situation of the countries adjacent to Normandy, which abounded in adventurous spirits languishing for action, the crusades not having yet begun to furnish them with occasions for indulging their military ardour. The personal qualities too of William, displayed in the thirty years during which he had already governed Normandy, had attached to him not merely the people of his own duchy, but also all those in the neighbouring countries, who were desirous of engaging in military enterprises; the princes, says † Sir William Tem-

* Hist. of Henry II. by Lord Lyttelton, vol. 1. p. 13. Lond. 1767. † Works of Sir W. Temple, vol. 2. p. 548. Lond. 1731.

ple, trusted his faith and his promises, which he had never forfeited; the knights and soldiers relied upon his valour and his fortune, which had never failed in the long and happy course of his reign. Other circumstances were immediately auspicious in the crisis of the enterprise: the accidental concurrence of a Norwegian invasion, which distracted the attention of Harold; the favourable influences of the wind, which freed William from the necessity of fighting a naval battle; the success gained by Harold over the Norwegians, which disposed him to hazard a decisive engagement with his other enemies; the death of the English king, which left the field open to the ambition of the conqueror; and the imbecillity of the legitimate heir of the throne, which destroyed the hope of opposing him by any new competition. Such a combination seems abundantly sufficient to explain the success of the undertaking, though it has been represented by * Rapin as wholly unaccountable. The Normans indeed effected by a single action the conquest of a country, which neither the Danes, the Saxons, nor the Romans themselves could subdue, but by numberless engagements, and after the lapse of ages; but the situations of the governments both of France and England, the ardour of numerous unemployed combatants, the personal

* Hist. of England, vol. 1. p. 163, 164.

qualities and character of William, and the contingencies directly affecting the expedition itself, all co-operated to take this enterprise out of the class of ordinary achievements, and to constitute it a singular example of revolution.

In reviewing the Saxon period of the English history I have pointed out to you the progressive formation of a liberal policy under an imperfect system of government, but which was favourable to freedom. I must now direct your attention to a government of another character, which by giving to the crown an overbearing authority, served to unite the various orders of subjects in one general feeling of a public interest, and to excite them to measures of security, for the preservation and improvement of the liberties which they had derived from the Saxons. A government of the latter character could not have been beneficial, if it had not been preceded by one of the former; for oppression could not have generated a regulated resistance, if principles of freedom had not been previously established in the hearts of the people: even thus preceded, it might have overpowered the struggles of the people, if their efforts had not been assisted by the continental engagements of the sovereign. That such a diversion was seasonably afforded by these engagements, I shall have opportunities of showing; and it is a curious fact, that the cause of

English liberty should thus have derived important assistance from that very quarter, from which came a dynasty of princes most adverse to its pretensions.

The beginning of the government of William was indeed sufficiently mild and conciliating. *(e)* In a progress which he made through his new kingdom, he exerted himself with so much success to gain the affections of the English, that the public tranquillity was every where restored, and the most perfect submission universally prevailed. But when, about six months after his conquest of England, he thought proper to revisit his original territory, the whole system of his new government experienced a violent and decisive alteration. Historians have speculated variously on the motive of this important journey. Some have supposed, that he had found the confiscations of the property of those who had resisted his invasion, insufficient to satisfy the cravings of his followers, and that he therefore deemed it expedient to abandon his kingdom for a time to his ministers, in the hope that new discontents might furnish the means of new distributions; while others have ascribed his speedy return only to an impatient desire of exhibiting his grandeur to his ancient and hereditary subjects. But whether his motive was a profound and Machiavelian policy, or an unseasonable and puerile vanity,

(f) the consequence of his departure was that the government was administered so oppressively, as to provoke the English to discontents and insurrection. William immediately returned to England, and finding it necessary to replenish his treasury, revived the odious tax of Danegelt, which had been imposed by the Danes. The discontents of the English were encreased, and their insurrections rendered more considerable; and the policy of William was gradually converted into a systematic plan of effecting their degradation and ruin, insomuch that *(g)* before the end of his reign there were very few Englishmen among the lords or dignified clergy.

The great change introduced by William into the form of the government was the complete establishment of the feudal system, which had been (*h*) very imperfectly adopted in the Anglo-Saxon constitution; and the grand alteration in its essence was the augmentation of the power of the crown, which in the Saxon period had never been very considerable, and had latterly been rivalled by that of the aristocracy. The feudal system of France, far from contributing to the exaltation of the sovereign, was adverse to the most moderate exertion of his authority; it had grown out of the weakness and dissolution of the government, and was in reality an armed aristocracy, which allowed to

the king little more than a precedence of dignity. In England it was established amidst very different circumstances, and presents a remarkable example of those adventitious causes, which are variously modified by a removal from the places of their origin. In this case the removal was in some measure gradual and successive, first to Normandy, and then to England. The Norwegian settlers of the Norman duchy received from the French, within whose territory they established themselves, the forms of a constitution which was the result of the public anarchy; but being themselves in a situation in which exertion was necessary to their safety, and being governed by princes of a vigorous character, they gave to those forms a consistency which had not originally belonged to them, and reconciled a military nobility with the real dominion of the prince. The feudal system accordingly, which had been produced in the disorder of the general government of of France, was matured in the special circumstances of the province of Normandy. Its removal to England afforded an occasion of encreasing yet more the power of the prince. In this country it was established by a revolution, which placed the property of the land at the disposal of the sovereign, who was thus enabled to reserve to himself *(i)* a very considerable portion, in aid of the services attached

to the lands bestowed on his vassals: and though the Norman followers of William were bold and high spirited adventurers, flushed with success, yet, as * Hume has already remarked, they were induced by the necessity of supporting a military dominion over a vanquished nation, to submit themselves to a more vigorous authority, than any that existed in the other feudal governments.

It has been already intimated that the compression occasioned by this encreased intensity of the royal power, might have failed to produce any salutary effect, if it had not been opposed to an elastic resistance of principles formed under a different system. The laws of Edward the Confessor had however constituted a code of civil regulation, which was dear to the memory of the English, and their rallying point, in all their contentions with the crown. It is accordingly found, as (*k*) Lord Lyttelton has observed, that in England the ancient customs of the nation made such a resistance to the feudal system, as was not opposed to it in other parts of Europe, nor even in Scotland. The final triumph of these original principles is indeed curiously exhibited in the statute of the twelfth year of Charles II. which extended to all the estates of the nobility and gentry the

* Hist. of England, vol. 2. p 81.

socage-tenure, regarded in the feudal ages as mean and contemptible.

It cannot be supposed, that some regular form of the feudal government might not have been established in England without the interposition of the Normans. Professor Millar * has remarked, that some such government was even likely to have arisen spontaneously about the time of the Norman conquest, though he adds, that the change was undoubtedly accelerated by that event: and it is even probable, that some domestic revolution, such as that which had been effected in France, seventy-nine years before, by the usurpation of Hugh Capet, might have invigorated the sovereign authority. But the great advantages of the revolution, as it actually occurred, appear to have arisen from the sudden combination of two distinct systems of policy; besides that the establishment of the feudal system would probably have been less complete, if it had been abandoned to the spontaneous operation of internal causes. The military government of France was thus at once opposed to the liberal, though unsettled policy, of the Saxons, in the most perfect form which it was capable of obtaining.

But it is well deserving of attention that William, while he was imposing such a weight

* Hist. View of the English Gov. vol. 2. p. 17. Lond. 1803.

of power on the other orders of the state, as naturally tended to excite among them a spirit of union and concerted resistance, did at the same time, by other operations of his government, provide the very instrument, by which they were afterwards enabled to throw off the extraordinary pressure of the royal power, and to begin the system of balanced authorities, that was at length matured into a free constitution. It may indeed be supposed that the commons would, in the progress of time, have become sufficiently powerful, to give to the aristocracy all the assistance which might be necessary for repressing the undue ascendancy of the crown; but it is certain that the effort was actually made before they had attained that degree of importance, and an auxiliary power appears to have acted upon the government, anticipating the regular encrease of the popular interest, and procuring rights for the commons, which they could not then have extorted. The great charter, which was wrested from John at Runnemede, might then have been demanded in vain, if the papal influence over a powerful clergy had not been employed to abase the majesty of the throne: and if our view be extended to a period more distant from the conquest, we shall perceive the aggrandizement of the ecclesiastical power, which was begun by William, giving occasion by its abuses to the reformation

of religion, and that reformation exciting new struggles for liberty, which ended in effecting the memorable revolution.

The conqueror, with the usual policy of the founders of new dynasties, endeavoured to secure the attachment of the clergy by donations of extraordinary liberality, which he was enabled to do by those events, that had placed at his disposal the whole landed property of the kingdom. This policy might of itself have proved sufficiently embarrassing to his successors, who might not all be able to retain a powerful order of men in the same dependence and submission, in which they were held by the author of their aggrandizement; but it had been carried to such an extent, that it drew William into another measure directly repugnant to the authority of his crown. As (*l*) nearly one half of the landed property was given to the clergy, it became necessary to the defence of the nation, that each bishop and abbot should be subjected to the feudal obligation of furnishing to the king a certain number of knights, proportioned to the ecclesiastical property which he possessed, and in case of failure to the same penalties, which were exacted from other persons. This measure, though dictated by an urgent necessity, and the natural consequence of the great augmentation of ecclesiastical property, * gave

* Hume's Hist. of England, vol. 1. p. 279.

such general offence to the clergy, that the king conceived it to be requisite to the tranquillity of his government, that the English should be deprived of all the considerable dignities, and foreigners substituted in their place: his own power however not being competent to such a proceeding, he found himself obliged to have recourse to that of the pope; and he employed * the first papal legate, who ever visited these islands, to effect the desired change of the prelacy. The king might have been disposed by principle to reverence the legatine commission; but he in so many instances maintained a considerable independence of the see of Rome, and asserted his authority over the clergy of England, that we may conclude, that he would not have so directly subjected the ecclesiastics of his kingdom to the jurisdiction of the Roman pontiff, if he had not been hurried into this measure by an apprehension of the consequences of that which he had already executed. The Norman prelacy, then completely established in England, naturally favoured the power, to which so many of them were indebted for their situations, and thus formed a strong papal interest in the state. The monastic establishments of the Anglo-Saxon period had given a beginning to a papal party; it was at this time strongly re-

* Hume's Hist. of England, vol. 1. p. 281.

inforced by the interposition of the pontiff in the appointment of many foreigners to the prelacy; and * the same remoteness of situation, which had originally retarded the introduction of such a spirit, contributed, when it had been introduced, to exalt it to a higher degree of vehemence, than in countries less distant from the seat of the papal government.

Nor was it only in this single instance, that William prepared the aggrandizement of the power, which afterwards assisted in controlling and limiting the authority of the crown. Influenced by the superstition of his age and country, he co-operated with the papacy in enforcing the celibacy of the clergy of England, a measure necessarily tending to loosen the bonds, which connected that body with the government of the country, and to strengthen its attachment to the papal see. By another measure he yet more directly separated the clergy from the other orders of the state. The Saxon bishops and earls had presided jointly in the county-courts; but William ordained that the civil and ecclesiastical jurisdictions should be separated, gratifying in this manner the wish of the clergy, who were every where endeavouring to exempt themselves from the secular authority.†

* Hume's Hist. of England, vol. 1. p. 283. † Blackstone's Commentaries, book 4. ch. 33.

Lord Lyttelton has distinctly noticed this tendency of the ecclesiastical policy of William. The English bishops, * he remarks, had been generally troublesome to their sovereigns: the Norman monarch, desirous of humbling their pride, without exposing himself to be considered as an enemy of the church, subjected them to the papal power, which he controlled by his own: but the concessions which he made to the Roman see, proved injurious to his successors, because the alliance between the crown and the papacy was soon dissolved by the opposition of their interests, whereas the union formed between the papacy and the clergy continued to exist, and at length proved too powerful to be restrained by the crown.

The remoter tendency of this policy was yet more important, since it may, as has been intimated, be considered as having prepared the religious reformation of England, a revolution most intimately influencing the political progress of the government. That such a revolution was not effected in France was probably the result of those restrictions of the papal pretensions, which secured the independence of the Gallican church. The excess of abuse is, on the other hand, the natural incitement to reformation; and therefore the exaltation of the

* Hist. of Henry II. vol. 1. p. 46.

papal power, which was the work of the first Norman sovereign of England, may be regarded as the original and predisposing cause of the subsequent separation of the English church.

Such an effect might not indeed have been produced, if the minds of the people had not been sufficiently enlightened to perceive the enormity of the papal abuses; for it appears from the example of the Spanish government, that these abuses may prevail in the highest imaginable degree without exciting any counteracting spirit of reformation, when the circumstances of the people have been adverse to their intellectual improvement. But it so happened, that the establishment of the Norman dynasty, while it gave occasion to the advancement of the papal power, formed also the epoch of the mental cultivation of the people of England, and thus furnished the corrective of the very abuses, to which it gave existence. (*m*) Some illustrious names of literary men do indeed appear in the history of the Anglo-Saxon period, but that period must be considered as generally unenlightened. Even of the scholars of that time it has been remarked by the historian of the Anglo-Saxons, that they only acquired and communicated the knowledge which other countries and times had accumulated. The series of literary tradition was maintained by such men, to furnish happier

ages with the precious materials of improvement; but the active energy of the mind was not even in them awakened to the exercise of its powers, and England accordingly passed through this long period in a middle state between ignorance and knowledge, to be indebted to the court of its Norman sovereigns for the first display of original and inventive genius.

It has been proved * on the authority even of French antiquaries, that the court of the Norman sovereigns of England was the earliest school of French literature. This at the first view appears unaccountable, but admits of an ample solution. Normandy, as has been remarked in the ninth lecture, was that particular province of France, in which, under the protection of a vigorous and active government, was formed the Romance-language, the original of the modern dialect of France, while all the others, until near the conclusion of the tenth century, were torn by contending factions. The scalds too, † or northern bards, who came into France with the Normans, are regarded by Mr. Ellis as fairly entitled to be ranked among the inventors of romantic composition, though not to be esteemed as its ex-

* Spec. of Early Engl. Metr. Romances, vol. 1. p. 98, &c.
† Ibid, p. 16, 28, 29.

clusive authors; and it is certain that the first mention of the stories of chivalry occurs in the song of a minstrel at the battle of Hastings. The court of Normandy, which was thus the birth-place of the language and of the literature of France, was by the conquest transferred to the neighbouring country, where it acquired an importance and dignity much superior to those that were possessed by the contemporary kings of France, the kings of England being incomparably more wealthy, though not in the same proportion more powerful. The language spoken at the two courts was then the same; and it may be presumed that the candidates for patronage would resort to that, which by its wealth was most able to gratify their wishes. The time of the conquest appears to have been well accommodated to the formation of this school of Norman literature; for, * though the Romance language had begun about the commencement of the ninth century to supersede the Latin in colloquial use, yet † it was not employed as a written language until very near the time of that event. It is even observable, that the new ecclesiastical establishment of the country, which had been so closely connected with the papacy by the policy of William, con-

* Spec. of Early Engl. Metr. Romances, vol. 1. p. 2.
† Ibid. p. 12.

tributed much to that encrease of learning, which afterwards effected its separation, the conquest having been followed by (*n*) an extraordinary augmentation of the number of religious houses, and a school having been established in almost every convent.

Among the influences of this important revolution it must not be forgotten, that it brought into England the second great ingredient of the modern language of the country. Of the proportion in which the Norman French was combined with the Anglo-Saxon, various opinions have been entertained. * Hickes was of opinion, that not less than nine-tenths of our present English words are of Saxon origin; Tyrwhitt on the other hand contended, that about the time of Chaucer, though the form of our language was still Saxon, the matter was in a great measure French; and Mr. Ellis has declared his opinion, that both these statements are (*o*) exaggerated. Concerning the nature of the combination the last-mentioned writer has observed that, besides the introduction of French words, a very important change was made in the structure of the Anglo-Saxon, by the extinction of its ancient inflections, in the same manner in which the Latin language was transformed into

* Spec. of Early English Poets, vol. 1. p. 2, 3, 6. Lond. 1803.

various modern dialects; a change which, he observes, arose in each case from the difficulty of combining two languages differing in their radical words and grammatical constructions. Nor was the effect of the introduction of the Norman language confined to the mere modification of that of the Saxons, since with it were brought the measures of versification. * The mechanism of the Anglo-Saxon poetry has never been explained; and it is accordingly still a doubt, whether it was strictly metrical, or distinguished from prose only by a species of rhythm. But whatever may have been their rules of poetry, † it is generally admitted that ours have been all derived from the French, who appear to have adopted them, together with the ornament of rhyme, from the monkish writers of Latin poetry: to the Norman poets, says Mr. Ellis, we owe the forms of our verse, and translations of their writings were among the earliest compositions of the English language. That language however ‡ did not begin to exist until a considerable period had elapsed, or at least was not applicable to any literary purpose. The language of the church was Latin, that of the court was Norman, that of the people Anglo-Saxon, and an Anglo-Nor-

* Spec. of Early English Poets, vol. 1. p. 11, 12. † Ibid. p. 35, 36. ‡ Ibid. 37.

man jargon was employed in the commercial intercourse between the conquerors and the conquered; and it was only when the two nations had been confounded into one common aggregate of population, by the connections of families, and by a community of interests, that the two languages could be truly amalgamated into one common and consistent form of speech. Doctor Johnson has * stated that, about the year 1150, the Saxon began to take a form, in which the beginning of the present English may be plainly discovered; but he regarded Gower, who lived in the fourteenth century, as the first who could properly be said to have written our language. Mr. Ellis however † thinks, that the Saxon language and literature began to be mixed with the Norman about the year 1180, and that the change may be considered as having been completed in the year 1216, the time of the accession of Henry III.

The very character of the nation appears to have received an important improvement from the same revolution, which thus affected its policy, its literature, and its language. William of Malmesbury, who, as he wrote more than half a century after the conquest, and was connected by blood with both the English and the

* Preface to his Dictionary. † Spec. of Early English Poets, vol. 1. p. 76.

Normans, may be considered as not biassed by any partiality, has given a most unfavourable description of the Anglo-Saxon character at the period of that revolution, and has pointed out the beneficial change which was then introduced. * Learning and religion, he says, had decayed; the clergy could scarcely recite the offices of the church, the nobles were immersed in gluttony and licentiousness, the people were the prey of the rapacious violence of the lords, and all orders were abandoned to drunkenness. The Normans on the other hand he describes as in a state of high comparative refinement, magnificent in their buildings, ostentatious in their personal decoration, kind in their intercourse with strangers, attentive to religion, and not addicted to any excessive indulgence. Of the commixture of the two nations he remarks, that the Anglo-Saxons communicated to the Normans their own intemperance, acquiring in other respects the manners of the victors. It seems as if the national character, which had been formed amidst the disorderly license of a popular government, required for its refinement the example of the elegance of a splendid court.

In estimating the effects produced upon the national character it might be right to notice

* De Gestis Regum Anglorum lib. 3. f. 57. Lond. 1596.

the practice of hunting, which has been derived from the Normans, but materially modified by the cirumstances of England. That rustic amusement, which on the continent is a shooting-party, became a pursuit in an island, in which the only fierce animals had been previously extirpated by the care of a Saxon sovereign; and habits of violent and persevering exertion have been thereby maintained in those classes of society, among which the enjoyment of wealth might else have introduced a luxurious indolence, incapacitating them for the military service of the country. The commentator of the laws of England * has inveighed against the modern game-law, which he has called a bastard-slip from the old forest-law of the Norman kings, and has condemned it as repugnant to justice and to reason; but however this part of the general code might appear to a lawyer, a politician may perhaps discover in it a salutary preservative of the energy of the upper orders, in a country separated in a great degree from the contentions of the continent, and therefore not affording generally to its gentry the discipline of a military life.

The first Norman sovereign of England died after a reign of twenty-one years, and was succeeded on the throne of that kingdom by his second son William surnamed Rufus, his elder

* Book 4. ch. 33.

son Robert inheriting the duchy of Normandy. This division of his territories was probably occasioned by the revolt of Robert, which occurred towards the conclusion of his reign; as he was probably determined by it to bequeath his kingdom to his second son, while he may have doubted, whether the barons of Normandy would consent to a similar appointment in regard to that duchy, bound as they were to Robert by a former act of homage, and attached to his succession, either by a hope of influencing his government, or by an affection for his estimable qualities. But whatever may have been the motive of the partition, we perceive in this divided succession the first example of what was still more observable in the following reigns, the influence of the continental embarrassments of the earlier kings of England on the formation of the English constitution. The Norman barons of England, being generally possessed of estates in both countries, were uneasy at their separation, and therefore anxious for the advancement of the elder brother to the English throne, as the most probable method of effecting their re-union; and William, apprehensive of the machinations of those to whom he should in any other case have looked for assistance, found himself compelled to exhibit the first symptoms of a disposition to favour the interests of the native English. In-

deed even in the time of the first William a revolt of the duchy had rendered the assistance of the English necessary to the crown, and naturally suggested to them some consciousness of their own importance: no other consequence however appears to have followed that crisis, as the revolt was speedily suppressed; and it was on the formal separation of the two territories, that it was first found necessary to recognise, by some general promises of reformation, the claims of English subjects.

The promises of William Rufus were however after some time entirely disregarded by that prince. The influence of Lanfranc archbishop of Canterbury had curbed his propensity to tyranny and extortion; but the death of that prelate freed the king from this single restraint, and the remainder of his reign was a series of oppressions. The Normans had probably become afraid to rebel, lest the English should avail themselves of the opportunity to drive them out of the kingdom; and the latter had been so much depressed in the preceding reign, that they were at this time destitute of a chief: the king was accordingly enabled to establish his own power on the apprehension, or the weakness, of the two great parties of his subjects, and thus to set both at defiance. Nor was his government more favourable to the pretensions of the clergy, than to those of the

laity. He was indeed opposed by the determined Anselm, who had succeeded Lanfranc in the see of Canterbury, and may be considered as the prototype of the celebrated Thomas a Becket: but the long continued schism between Urban II. and the anti-pope Clement disabled the papacy during many years for disturbing his tranquillity, William having taken care to avoid declaring himself in favour of either of the claimants; and when the contest had been terminated in the acknowledgment of Urban, the crusade, in which this pontiff found means to engage the people of Christendom, rendered him averse from exciting disturbances in the dominions of any Christian prince.

This reign of William Rufus seems to have been not less remarkably adapted, though in a different manner, to the preparation of the constitutional liberty of England, than that of his father. His character was distinguished from that of the first William by exhibiting all the vigour and violence of that prince without his wisdom and moderation: the first William was accordingly fitted to lay the foundation of a new and energetic government; the second to excite that spirit of resistance, by which the government was gradually transformed into a constitution of freedom. The general revolt of his Norman subjects, in the beginning of his reign, compelled him indeed to endeavour to

attach the native English to his support, by giving them repeated assurances of a reformation of his conduct: but while he thus cherished in the minds of the latter that sense of their own importance, which they had already begun to entertain, and animated them with the hope of being yet able to vindicate their rights, his utter disregard of the promises which his difficulties had extorted from him, convinced them of the necessity of opposing, in conjunction with their Norman fellow-subjects, a steady and regulated resistance to the oppressions of the crown. The shortness of his reign was also most favourable to the interests of freedom, which might have been crushed and destroyed by a longer continuance of his despotic violences. Lord Lyttelton, * who has described in the most forcible language the various enormities of this reign, in which all the excesses of the court and army were tolerated and encouraged, except treasons against the government and violations of the forest-laws, has remarked how fortunate it was, that the life of the prince was too short to extend these corruptions to the body of the people. While therefore, by its inconsistent combination of concession and tyranny, it tended to rouse and invigorate the spirit of liberty, it was happily

* Hist. of Henry II. vol. 1. p. 92.

limited to a period so short, as to preclude the pernicious effects which might have resulted from its irregularities, though sufficient for impressing the people with a conviction of the necessity of procuring a solemn recognition of their rights.

Two such reigns as those of the two Williams, to be instrumental to the formation of a free constitution, required to be succeeded by one of a very different description, by one fitted to conciliate the minds of the people, and to reform the public disorders; and such a reign was accordingly supplied in the long government of Henry I. which lasted one year more than the sum of those of the two preceding sovereigns. The reign of the first William aggrandized the power of the crown, which had even become unequal to the control of the aristocracy, and was entirely insufficient to produce the necessary combination of the different orders of the state: that of the second both encouraged in the minds of the native English the hope of being restored from the depression into which they had fallen, and by its tyranny convinced them of the necessity of public union for the effectual vindication of their liberties: and that of Henry I. indulged with (*p*) a royal charter the hope which the promises of William Rufus had cherished, and by a vigorous administration of justice, during thirty-five

years (*q*) of almost uninterrupted tranquillity, reduced to order the disagreeing elements of which the kingdom was composed, and in particular promoted the union of the two contending factions of the Normans and the English. That division of parties, which to an artful tyrant presents so fair an opportunity of oppressing both, and which had actually induced the Normans to submit to an augmented severity of government, was by the prudent administration of Henry I. in a great degree abolished, and the people of England in his reign began, for the first time since the conquest, to consider themselves as one nation, participating common rights.

The concession of Henry I. was the result of the very peculiar situation in which he was placed at the commencement of his reign, and affords another example of the influence of continental embarrassments on the English government. As the diaffection of his Norman subjects had determined William Rufus to court the support of the native English, so was it a yet more urgent apprehension of the same kind, which determined his brother Henry I. to attach the latter to his cause by a formal authentication of their rights. William possessed an unquestionable title to the crown, his father having bequeathed it to him by his last will, and the bequest having been confirmed by the

acquiescence of the nation; but Henry was manifestly an usurper, not merely because the duke of Normandy was the elder brother, but also because a treaty had been concluded between that duke and William Rufus, constituting the survivor the sovereign both of England and of Normandy. The succession of Henry was indeed favoured by his superior character for talents of government, by the apprehensions of those who had before supported William Rufus in opposition to Robert, by the advantage of having been born in the country which he aspired to govern, and by the actual absence of Robert, who was then engaged in a crusade. But the death of William Rufus had been so unexpected, that Henry had not prepared a party for his support; and the profusion of that prince had been such, that the royal treasure must have afforded very inadequate means of obtaining a corrupt influence: it was therefore absolutely necessary that Henry should conciliate the nation, by offering to restore such of the ancient laws as might be reconciled with the altered form of the government; and he was accordingly elected in consequence of such a compact, which was soon afterwards recorded in a solemn charter. This charter * restored the laws of Edward the Confessor, modified however by the feudal institutions of William

* Hist. of Henry II. vol. 1. p. 99.

the Conqueror, though with some considerable mitigation of the feudal exactions; and was, according to Sir Henry Spelman, the original of the great charter, containing most of the articles of it, either particularly expressed, or comprehended generally under the confirmation of the laws of Edward.

Nor was the charter of Henry a merely temporary expedient for procuring popularity, (*r*) for he faithfully observed the engagements which he then contracted, taking off the burthens which had been illegally imposed, and inflicting punishment on the agents or authors of these oppressions. Accordingly Lord Lyttelton * has remarked, that from the concession of this charter, or the first year of the reign of Henry I. must be dated the union of the Normans with the English, whose interests, blended together in its stipulations, were thenceforward inseparably connected under one common claim of national rights. Upon the return indeed of Robert from the east, Henry was abandoned by most of the Norman barons of England, who again began to be apprehensive of losing some of their estates by the separation of the duchy from the crown of that country; but this defection served only to throw the king, like his predecessor, on the support of his native subjects of England, and to encrease his

* Hist. of Henry II. vol. 1. p. 100.

desire of conciliating their attachment. The cause of such defections was removed in the year 1106, by the reduction of Normandy; as, on the other hand, the union of the native English with their Norman fellow-subjects had been before promoted by the marriage of the king with Matilda of Scotland, the niece of Edgar Atheling, by which the royal families of the Normans and Saxons became connected.

The influence of the separation of the governments of England and Normandy has been noticed in the review of the two successive reigns of the second William and Henry I. as obliging the former to endeavour to obtain the support of the native English by an assurance of amendment, and the latter to conciliate the whole nation by an actual acknowledgment of their common rights. But when the people had obtained a formal recognition of their liberties, which blended into one nation the two great parties of the Normans and the English, the continuation of the division of the governments would have been unnecessary and inconvenient; and accordingly we find that Normandy was united with England under the government of Henry in the sixth year of his reign. The peculiarities of the personal character of Robert duke of Normandy, as they had before occasioned and maintained the separation, at this time occasioned the re-union. His impatient temper ex-

cited him to that revolt, which determined the Conqueror to bequeath the crown of England to his second son William; and his amorous delay in Italy, when he was returning from a crusade, facilitated the succession of Henry after the death of that prince: on the other hand his excessive remissness in the government of his duchy gave such license to the violences of the barons of Normandy, that his other subjects solicited the interposition of Henry, whose good character had been established by the vigour of his government of England. It is remarkable that this prince, whose personal qualities appear to have produced such important, and even contrary effects, was the only prince of his family, from the time of Rollo its great progenitor, to whom conduct thus weak and inconsiderate can be attributed.

In this instance we observe an arrangement coming to a period, when its utility had ceased: in the contest between Henry and the inflexible Anselm, archbishop of Canterbury, we discover the immediately preparatory measures of that aggrandizement of the papal power, which exercised so considerable an influence on the subsequent changes of the English government. Anselm, who had been exiled by William Rufus for appealing to the Roman pontiff in the contest which he had begun with that monarch, was recalled by Henry, who found it expedient to interest the

clergy in his support. The primate returned a triumphant confessor in the cause of what he considered as religion; the struggle was immediately renewed by him with augmented vehemence; and various important advantages were acquired by the see of Rome. Alarmed at the denunciation of the papal censures, the king renounced the prerogative of (*s*) investing his bishops with their temporal possessions, contenting himself with receiving the formality of homage: he was also induced to concur with Anselm in enforcing the celibacy of the clergy, which had not yet been completely established; and to permit a papal legate to preside in an ecclesiastical council convened in his capital: and towards the end of his reign, but indeed it is not certain that he was made acquainted with the innovation, an oath of direct allegiance to the pope was imposed on the archbishop of Canterbury, without any reservation of his fidelity to his prince; which oath was afterwards extended to the whole body of the bishops. But these encroachments were little felt in the reign of this prince, especially as the pontiff Calixtus II. when distressed by a schism, was even induced to grant him a general confirmation of all the prerogatives, which his father had enjoyed in England and in Normandy. These were but the skirmishings which preceded the deadly combat.

Wales during these three reigns was (*t*) in a most undefinable situation in regard to the crown of England. The Conqueror, in maintenance of the claim of the Saxon monarchs, to which he had succeeded, marched an army in the year 1080 as far as Saint David's, where he received the homage and tribute of the Welsh nation; but what were the relations then formed between that prince and his British neighbours, or whether William had leisure for forming any such relations, cannot now be discovered. In the next reign many private acquisitions of lands in Wales were made by the Norman nobles, tempted by the successful establishment of some of their number, who had been invited to take a part in the internal dissentions of that country: William Rufus himself however, when he attempted the conquest of it in the year 1097, was compelled to retreat with loss and disgrace. Such was the encrease of Norman influence in Wales, that Henry I. exercised there all the prerogatives of a feudal sovereign, bestowing on his favourites the territories of Welsh lords, and even conferring on a Norman the bishopric of Saint David's: yet even this prince, when in the year 1113 he advanced against Griffith ap Conan prince of North Wales, and Owen prince of Powis, was not very successful, and seems to have been more indebted for his triumph to policy, than

to military prowess. The independence of Wales appears to have been regarded by the Norman barons as the strong-hold of their own security against the oppressions of the crown, especially by such as had been able to acquire settlements in that country; the public efforts of the government for its reduction were therefore sure to be opposed and frustrated by the jealousies of the very persons employed to conduct them; and it was but gradually, by the enterprises or matrimonial alliances of private adventurers, that an English interest could be established within it, capable of affording a basis for the union, by which it was afterwards connected with the English government.

(*a*) These were the only kings of England, who were properly Norman; Stephen was of the family of Blois, and Henry II. of that of Anjou.

(*b*) Even the prospect of this advancement seems to have inspired such sentiments. In the True Law of Free Monarchies, published in the year 1598, he maintains, that Samuel, or God, gave a king to the Jews, a pattern for all christian monarchies, whose established succession it is impious to invert. "For the poorest schoolmaster cannot be displaced by his scholars, much less the great schoolmaster of the

land by his subjects." He admits that tyrants should not escape unpunished; but is satisfied with remitting them to the scourge of God, "the sorest and sharpest schoolmaster that can be devised." Laing's Hist. of Scotland, vol. 1. p. 22. Lond. 1800. The doctrine of divine right, which has been commonly ascribed to this prince, was however more ancient. Shakespeare, in his play of Richard II. printed in the preceding year, had introduced the same maxim of civil policy;

> The breath of worldly men cannot depose
> The deputy elected by the Lord.

Doctor Johnson appears to have been greatly comforted in discovering this more ancient authority. The royal pedant appears indeed to have only furnished the schoolmaster; and the doctrine itself was rather the first result of the religious struggle of the age, than the invention of any individual. In the times of popery no indefeasible right could be acknowledged, for it would have been inconsistent with the supremacy of the pontiff. When however that supremacy was rejected by the reformers, and an appeal was made to the sacred writings, it was natural that the exhortations to civil obedience which they contain, should be strictly interpreted, and the authority of rulers established

upon divine right. In process of time indeed it was discovered, that these exhortations should be referred to the general support of the institution of civil government, not to an unqualified acquiescence in the will of a tyrannical ruler. Buchanan, the tutor of James, inculcated the right of resistance in his treatise de Jure Regni apud Scotos, though without producing any effect on the mind of his royal pupil; and Hooker devised the notion of a social compact, when he wished to refute the Puritans, who were desirous of reducing the ecclesiastical establishment to the simplicity of the apostolic age.

(*c*) It may be satisfactory to remark that, in opposition to the argument founded on the right of conquest, it has been urged, that the battle of Hastings was only a struggle between two claimants of the crown; that the crown was afterwards offered by the English, and accepted on specified conditions by William; and that the title *Conqueror*, in its feudal acceptation, signified only the first acquirer.

(*d*) Among the Saxon laws Blackstone places the constitution of the Wittenagemote, or general assembly of the principal men of the nation, and the popular election of all magistrates. Commentaries, book 4, ch. 33.

(*e*) He at first confiscated only the estates of those who opposed him in arms, affecting to

consider Harold as an usurper, and himself as the lawful king by the appointment of Edward. Lord Lyttelton's Hist. of Henry II. vol. 1. p. 29.

(*f*) It has been remarked that his subsequent conduct, in which he showed no disposition to punish the oppressors, justifies the former of these opinions; but he might avail himself of the opportunity, though it had not been previously concerted.

(*g*) Henry's Hist. of Great Britain, vol. 5. p. 38; vol. 6. p. 7. It appears from a charter of Henry I. that there were then in Worcestershire some English barons holding of the crown, as well as Normans or French; and it cannot be supposed that they were confined to that county. Lord Lyttelton's Hist. of Henry II. vol. 1. p. 534.

(*h*) The Saxon lands were all subjected to military service, and a *heriot*, which is by some considered as equivalent to a Norman *relief*, was paid upon the death of each possessor; but, on the other hand, several distinctions have been mentioned by Doctor Sullivan, as discriminating the Saxon from the feudal polity. Besides that no traces of the feudal incidents of wardship or marriage can be discovered among the Saxon usages, the lands of the Saxons were alienable at pleasure, and might be devised by will; they were not liable to forfeiture for felo-

ny; and they were divisible among all the sons by the law of gavel-kind: the military duty too was attached to the land, and not to the person, every hide of land furnishing a man, whether it was held by one or more persons; nor was the man supported from the hide of land except while he was serving within his own county. Doctor Sullivan admits however that there were among the Saxons some few military benefices, though he thinks that even these were not hereditary: he supposes them to have been introduced by Egbert, who had resided long in the court of Charlemagne, and to have been occasioned by the necessity of providing a body of cavalry for opposing the incursions of the Danes, as the other troops were foot-soldiers. Lect. on the Constit. and Laws of England, lect. 27, 28.

(*i*) One thousand four hundred and twenty-two manors, besides a great number of forests, parks, chaces, farms, and houses, in all parts of the kingdom. The feudal duties comprehended reserved rents, which were however commonly trifling, and designed but to evidence the dominion of the sovereign; and also wardships, marriages, reliefs, and aids. Henry's Hist. of Great Britain, vol. 6. p. 11. 12. This writer also mentions scutages; but these were introduced by Henry II.

(*k*) Hist. of Henry II. vol. 2. p. 211. Lord

Lyttelton however remarks, that "some excesses of the royal prerogative, which have since been wisely controlled, operated as remedies in that system against the immoderate authority of the nobles; while both these powers were checked by the arms entrusted to great numbers of the inferior freeholders, in consequence of the tenures by which they held their estates. Ibid. p. 218.

(*l*) Of 60,215 knights-fees registered in Domesday-book, 28,115 were held by the clergy. Ibid. p. 179.

(*m*) The literature of the Anglo-Saxons must be dated from the introduction of Christianity, at the close of the sixth century; in the seventh a desire of knowledge began to be diffused among them, and many retired into Ireland, which was then distinguished by its religious learning; and towards the end of that century their intellectual improvement was advanced to its greatest height by two ecclesiastics, Theodore of Tarsus and his friend Adrian, whom the pope had sent into England. The most eminent scholars among the Anglo-Saxons were Aldhelm, Bede, and Alcuin. Of these the first was the pupil of Adrian, and the last was the friend and preceptor of Charlemagne. Turner's Hist. of the Anglo-Saxons, vol. 4. book 6. ch. 6.

(*n*) Between the conquest and the death of

king John, or in a century and a half, five hundred and fifty-seven such establishments were formed. Henry's Hist. of Great Britain, vol. 6. p. 164.

(*o*) Mr. Turner has illustrated the copiousness and power of the Anglo-Saxon language by examining various passages of the principal English writers, which he has shown to be chiefly composed of words derived from it, observing at the same time, that Saxon terms might be substituted for almost all the words not marked as Saxon. He has referred to the Anglo-Saxon laws preceding the reign of Athelstan, and to the works of Alfred, as containing the language in its genuine state, the Danes having afterwards introduced some corruptions. Hist. of the Anglo-Saxons, vol. 4. p. 514.

(*p*) This was not properly the first of the English charters. Lord Lyttelton has quoted a statute of William the Conqueror, which after Bacon he has called the first magna charta. Hist. of Henry II. vol. 1. p. 42. 524. And another statute expressly confirmed the laws of Edward, as they were improved by the statutes ordained ad utilitatem Anglorum. Ibid. p. 526.

The charter of Henry I. was however the first of those written obligations obtained from the sovereign in consequence of the experience of former oppressions, though not the first royal recognition of the rights of the people.

(*q*) It was only once interrupted, and but for a very short time, by the revolt of the Norman barons in the beginning of his reign.

(*r*) Lord Lyttelton's Hist. of Henry II. vol. 1. p. 100, 489. Hume indeed says, that he never once thought during his reign of observing one single article of it, and that the whole fell so much into neglect and oblivion, that in the following century, when the barons, who had heard an obscure tradition of it, desired to make it the model of the great charter, which they exacted from king John, they could find only a single copy of it in the kingdom. Hist. of England, vol. 1. p. 346. It must however be remarked, that for this representation of the subsequent conduct of Henry he has quoted no authority; and the improbability of the account given by M. Paris of the loss or suppression of the charter, has been shown by Blackstone. Law Tracts, p. 284, &c.

(*s*) Pascal 2, in a letter addressed to Henry on this subject, contended "that it was a monstrous thing for a son to beget his father, or for a man to make his god;" and that therefore, as priests in scripture are called fathers and gods, kings, who are but men and their sons, cannot give them investitures. A part of the absurdity however he had recently disregarded, when, in a decree of a council assembled at Rome, it was held to be a most execrable

thing, " that those hands which had received such eminent power, above what had been granted to the angels themselves, as by their ministry to create God the creator of all," and offer up the same God, before the face of God the Father, for the redemption and salvation of the whole world, should descend to such ignominy, as to be put, in sign of subjection, into the hands of princes, which were daily and nightly polluted with obscenity, rapine, and blood. Lord Lyttelton's Hist. of Henry II. vol. 1. p. 104, 105.

(*l*) Spec. of Early Engl. Metr. Romances, vol. 1. p. 110, &c. Henry observes, that there is no very distinct account in history of the precise time when the princes of Wales became tributaries to the kings of England; but that it is sufficiently evident, that they were in this situation in the earlier part of the tenth century. By the laws of Howel Dha, or Howel the Good, their great legislator, who succeeded to the government of South Wales and Powesland in the year 907, and to that of North Wales in the year 939, the king of Aberfraw, or the chief king of Wales, is appointed to pay a fine of sixty-three pounds of silver to the king of London, when he receives his kingdom from his hand, and a certain number of dogs, hawks, and horses, annually. Hist. of Great Britain, vol. 3. p. 108, 109. Two years

before the Norman invasion the Welsh, who had provoked the English by repeated incursions, were subdued by Harold, who was then aspiring to the crown of England; and Edward, to whom the Welsh had yielded the regulation of their territory, distributed it among three of their own princes. Ibid. p. 150, 159.

LECTURE XII.

Of the history of England from the beginning of the reign of Stephen, in the year 1135, *to that of the reign of Henry III. in the year* 1216.

Stephen	1135
Henry II.	1154
Sale of charters to towns	116
Invasion of Ireland	1170
Death of Becket and triumph of the Papacy	1172
Richard I.	1189
John	1199
Great Charter	1215

IN the last lecture I reviewed the progress of the English monarchy from the Norman conquest to the death of Henry I. pointing out the immediate operation of the revolution effected by the first William, and the circumstances which gradually restored the native English to some degree of political importance, and obliged the last of the Norman princes of England to grant to his subjects that charter, which was the

model of the great charter afterwards extorted from John. In the present I propose to continue this review through the four succeeding reigns, those of Stephen, Henry II. Richard I. and John; and to mark the series of events, which led to this important crisis of our liberties.

The reign of Henry I. had effected the union of the Norman and English interests, this king having recognised the common rights of both descriptions of his subjects in the same charter, and having combined the two families of their sovereigns by marrying a niece of Edgar Atheling, the representative of the family of Edgar. From this epoch therefore we may regard the people of England as one nation, struggling with united efforts against the encroachments of the royal power, and labouring together to establish the principles of a free government. The charter of Henry I. had indeed acknowledged those principles in a considerable degree; but they were yet (*a*) imperfectly understood, and it was necessary that a considerable portion of time should elapse, before they could be distinctly ascertained, and guarded against future violation. Nor indeed could the more complete establishment of the principles of liberty be even then effected without the intervention of an extraneous power; since the grand instrument by which it was immediately accomplished

was the usurpation of ecclesiastical dominion, which having been begun in the reign of Henry I. was completed in that of John.

That our government should have been indebted to the extrinsic action of ecclesiastical usurpation, for the first effectual control of the royal authority, is a circumstance, which well deserves our reflection. If the lords had been of themselves sufficiently powerful to wrest from John the acknowledgment of the rights of his subjects, they would have been too powerful to continue subordinate even to his legitimate authority; since the same political strength which had enabled them to reduce its exorbitances, would be yet more effectual to overpower it, when it had been already limited and confined. In a state containing an intelligent and powerful body of commons, the intemperance of the aristocracy might be checked and restrained by their opposition, and the crown might thus be maintained in the possession of its genuine prerogatives: the English government however was yet in a situation very different from this equilibrium of its various orders; the commons had not yet acquired any distinct importance in the constitution; and the lords, if able to reform it by controlling the king, could not have been hindered from destroying it by drawing all authority to themselves. That the lords would have acted in

this manner, sufficiently appears from the oligarchy, which they actually attempted to establish; but it is so manifestly the tendency of human nature to press forward in the path of power, that no particular evidence seems to be necessary. In this state of the government the external agency of ecclesiastical power was eminently beneficial, as it enabled the lords to effect an important revolution, which was beyond their own strength, and which therefore was not liable to be abused by their excesses. It came in aid of the imperfect and unbalanced arrangement of the constitution, giving to the aristocracy a temporary energy which was required for a special occasion, and then leaving it in possession only of a degree of strength, which did not qualify it for usurping the dominion of the country.

The Anglo-Saxon church, though formed by a missionary of Rome, and always maintaining communion with the Roman see, yet preserved a considerable degree of independence in regard to the papal power. * The doctrine and discipline of that church seem to have been first regulated by the council assembled at Hatfield in the year 680, when the papal see had not even asserted its own independence of the Grecian emperor, and therefore could not yet

* Lord Lyttelton's Hist. of Henry II. vol. 1. p. 459.

have aspired to the establishment of its sovereignty of the west. In the original arrangements therefore of the Anglo-Saxon church no special recognition of papal sovereignty could have been introduced; and the spirit of the Saxon polity being favourable to freedom, the church maintained its independence to the revolution effected by the duke of Normandy, as is sufficiently attested by the instances which Lord Lyttelton has alleged.

The conquest constituted an epoch of ecclesiastical, as well as political revolution. William, * who had conciliated the favour of the Roman see by appealing to it in his contest with Harold for the succession of Edward, obtained from it a direct sanction of his enterprise, and thus connected the acknowledgment of the papal authority with his own greatness. The Norman prelates too, with whom the sees of England were soon wholly filled, brought with them an attachment to that papal power, which had been employed in depriving the English prelates of their dignities. But these circumstances served only to prepare the way for the struggle which was soon afterwards begun. Gregory VII. the famous Hildebrand, did not begin his papacy until the year 1073, or seven years after the Norman conquest of England;

* Hume's Hist. of England, vol. 1. p. 205.

the pretensions of Rome therefore had not been fully asserted in the earlier part of the reign of the Conqueror; and * when Gregory claimed his submission together with the payment of the money denominated Peter's pence, he declared, that, though he would remit the money, he would never acknowledge that he held his dominions from the Roman see. This prince however, by availing himself of the interposition of a papal legate, for removing the English bishops from their sees, subjected the hierarchy of the country to the authority of Rome, while he maintained the independence of his temporal power. William Rufus was protected from the encroachments of the papacy by the embarrassing circumstances in which the see of Rome was then placed; but even in his reign some preparation was also made for subsequent usurpations. Lanfranc, archbishop of Canterbury, † procured the acknowledgment of the astonishing tenet of transubstantiation, which, while it most effectually subdues the reason of the laity by its monstrous extravagance, most eminently exalts the priesthood, to which it ascribes the prodigious power of creating at pleasure the person of the Redeemer. Anselm too, his successor, though unable to overcome the resist-

* Hume's Hist. of England, vol. 1. p. 297. † Lord Lyttelton's Hist. of Henry II. vol. 1. p. 60.

ance of the English monarch, was bold enough to propose the claim of spiritual dominion, and to bequeath it to the imitation of other primates in more favourable times.

As Henry I. ascended the throne amidst much embarrassment, he was induced to recal Anselm from the exile, into which he had been driven by his brother, and to show great deference for his authority; and various important advantages were accordingly procured in the course of this reign by the see of Rome: * the prerogative of investiture was conceded by Henry; the celibacy of the clergy, which detaches them from the social connections of life, and leaves them no other interest than that of their order, was in a considerable degree established; and the archbishop of Canterbury was permitted to take an oath of direct allegiance to the pope, which was at first confined to the archbishops, but was afterwards extended to all the members of the episcopal order.

The reign of Stephen afforded a most favourable opportunity for the farther progress towards the completion of this scheme of papal usurpation. Henry, having left no son, had bequeathed his dominions to his daughter Matilda, then married to Geoffrey duke of Anjou, without mentioning the duke her husband, by

* Lord Lyttelton's Hist. of Henry II. vol. 1. p. 106, 107.

whom he had once been offended. But though the nobles had sworn to maintain her succession, yet the absence of the friends of Matilda, and the prevalent aversion from the idea of a female sovereign, strengthened by a revolt of the Welsh, which seemed to require the exertions of a warlike prince, assisted the pretensions of Stephen, who was a grandson of William the Conqueror by his daughter Adela. In this competition Stephen received important assistance from his brother, who was bishop of Winchester; and in return, when after his advancement he conciliated the laity by a renewal of the charter of his predecessor, he took care to attach the clergy to his interest *, by various concessions, of which the chief was that by which he committed to the bishops all jurisdiction over the persons and properties of ecclesiastics. He qualified however this momentous concession with a reservation of his just and royal dignity: but the clergy, probably apprehending that these words contained a secret invalidation of their new privilege, declared, in the oath which they swore, that they would obey him only while he preserved the liberties of the church, and the vigour of discipline; and the pope, in a bull which Stephen had solicited for confirming his election, had before expressly

* Lord Lyttelton's Hist. of Henry II. vol. 1. p. 170—174.

asserted, that it was granted to him because he had promised obedience and reverence to Saint Peter on the day of his consecration.

Stephen was indeed fully determined to free himself from the restrictions to which he had been obliged to submit, and for this purpose very soon assembled an army of foreign mercenaries; but the embarrassments to which he was subjected, not only by the pretensions of Matilda, but yet more by the imprudence of his own conduct, rendered all his attempts ineffectual. * While he depended on his foreign troops for the exaltation of his prerogative, he permitted the barons for the defence of the kingdom to erect castles on their lands, and thus enabled them to resist his power: and to induce the nation to suffer him to retain these foreigners, he lavished on the principal nobles the resources of the crown, and thus deprived himself of the means of providing for their support. The indiscreet unsteadiness of his character was also remarkably exemplified in his conduct towards the clergy. † Being jealous of two prelates, one of whom had extorted from the crown for himself or his family all the most considerable offices, and both of whom had raised considerable fortifications, he assembled a great council

* Lord Lyttelton's Hist. of Henry II, vol. 1. p. 176, 177.
† Ibid. p. 209.

at Oxford, where, availing himself of a riot, which occurred between their followers and those of one of the barons, he caused them to be arrested, and then seized their fortresses and treasures. This measure was, as might have been expected, resented violently by the clergy; so that his brother the bishop of Winchester, who was invested with a legatine commission, found it necessary to convene a synod, and summon Stephen before it to answer for his conduct. The king indeed did not appear: but he suffered the synod to meet, and sent some of his ministers to plead his cause; and when he saw that the synod would espouse that of the bishops, he sacrificed at once his royal authority by appealing from its decision to that of the court of Rome. Another instance of a different kind will contribute to illustrate the character of this imprudent prince. (*b*) When he had closely invested his rival Matilda, he was persuaded to suffer her to retire from the castle in which she was besieged, and to join her able and zealous champion, the earl of Gloucester, being taught to believe that he might more easily reduce them together, than when separate. Such a prince was ill fitted to retain in harmony the jarring members of a feudal government; but well adapted to encourage, by the weak indecision of his mea-

sures, the farther usurpations of an already too powerful clergy.

In one memorable instance however Stephen behaved with a salutary resolution. * The disputes which arose among the bishops, especially that between the archbishop of Canterbury and the bishop of Winchester about the legatine power, and the appeals which were carried to Rome for the determination of these contests, gave an occasion to an attempt to introduce into England the civil and canon laws, the latter of which was particularly framed to support the pretensions of the papacy. A professor of these laws was accordingly invited from Italy by the archbishop of Canterbury, in the year 1148, and delivered lectures under his protection. Fortunately for the laws and liberties of these countries, the Roman pontiff had about this time abandoned Stephen, and the latter, about the year 1152, summoned fortitude sufficient to silence the professor: the clergy indeed persisted in addicting themselves to the study of these laws, and cherishing among themseves a reverence for the papal jurisprudence; but by the seasonable interposition of Stephen the public law of the country was preserved, (*c*) for this time, from the dangerous inroad with which it had been threatened.

* Lord Lyttelton's Hist. of Henry II. vol. I. p. 390, 519, 520.

Four years after the advancement of Stephen, Matilda landed in England to assert her claim to the throne, and the succeeding fourteen years of his reign were distracted by the contests which he was forced to maintain, first with Matilda, and then with her son Henry by whom he was succeeded. The struggle might indeed have been speedily terminated by the success of Matilda, who in the second year of the war was placed on the throne by the influence of the clergy; but * her imperious spirit quickly offended her new subjects, and even the friends to whom she was indebted for her elevation, and the war was continued until her son Henry was able to engage in the contention. A negotiation was then opened between the two parties, by which it was agreed that Stephen should continue to reign, and that he should be succeeded by Henry; an accommodation most critically facilitated and secured, first by the death of Eustace the son of Stephen, which occurred during the negotiation, and then by that of Stephen himself, which happened in the following year.

The distractions which agitated the government of Stephen afforded the opportunity of establishing those papal encroachments, which in the reign of John proved eventually so bene-

* Lord Lyttelton's Hist. of Henry II. vol. i. p. 24°.

ficial to the liberties of England; but a longer continuance of such distractions would have tended to the dissolution and ruin of the state. * The nobles had erected castles in every part of the kingdom, and the whole country was ravaged by their violences; the war itself had been a mere conflict of factions, neither party having felt much attachment to the sovereign for whom they fought, or for the general interest of the public; and a shocking depravation of the national morals was the natural consequence of this combination of private and public disorder. The reign of Henry II. was, on the contrary, well fitted to remedy the political mischiefs, which had unavoidably accompanied the beginnings of ecclesiastical usurpation, while it favoured the progress of that very power, to the introduction of which these mischiefs had been accessary.

An extraordinary combination of circumstances (*d*) had possessed this prince, before his accession to the English crown, of territories on the continent amounting to more than a third part of France; the example and instructions of his uncle the earl of Gloucester, (*e*) who was one of the most distinguished characters of his age, had formed to excellence of every kind the natural endowments of his heart and under-

* Lord Lyttelton's Hist. of Henry II. vol. I. p. 229, 333, 381.

standing; and a reign of thirty-five years allowed him an ample opportunity for exercising his high qualities in promoting the improvement and happiness of his subjects. Such a reign indeed could not be employed solely in arranging the domestic interests of the government, however difficult and embarrassing, but expanded its energies beyond their limits, and in the reduction of Wales, of Scotland, and of Ireland, prepared the foundation of that united empire, which after the lapse of many centuries was, by the successive incorporation of these countries, but recently completed.

Henry II. began his reign with a variety of measures, which were very directly conducive to the restoration of the public order and tranquillity. * He immediately dismissed the foreign mercenaries, on whom his predecessor had placed his reliance; and then adopted some effectual means for recovering to the crown that ascendancy, which Stephen had vainly endeavoured to secure by their assistance. The donations which that prince had made to the church, Henry could not venture to resume; but he procured the sanction of a parliament for the resumption of the grants which had been lavished upon laymen: the castles which Stephen had suffered his nobles to erect, to the

* Lord Lyttelton's Hist. of Henry II. vol. 2. p. 7, &c.

number of eleven hundred and fifteen, were demolished, except a few, which were judged necessary to the defence of the kingdom: and while robbery and violence, which had become universally prevalent, were rigorously suppressed, (*f*) a more systematic administration of justice was introduced, and exercised with vigilance and authority. He could not entirely abolish the trial by duel, which had gained credit amidst the feudal institutions of the Norman princes, (*g*) but he laboured to extend the use of the Saxon trial by jury, by allowing the defendant in a civil cause the option of this method of decision. * The coin also, which had been debased by his predecessor, was restored by this prince to its former value.

The reign of Henry II. was distinguished by one measure, which was of very great importance, not only as it added considerably to the vigour of the government, but more especially as it gave the first shock to the feudal institutions. This was the introduction of (*h*) scutages, or pecuniary compensations for that personal service, which military vassals were bound to perform. The service of a feudal army was always very inconvenient, as it was undisciplined and intractable, and the time of attendance which could be claimed by the lord, was

* Lord Lyttelton's Hist. of Henry II. vol. 2. p. 79.

limited to the short period of forty days: but these inconveniencies were greatly aggravated to those English monarchs, who possessed territories on both sides of the channel; and therefore to them it became particularly desirable to introduce a system of commutation, which might enable them to provide a force more subject to their control. The expedient was so eligible both for the people and for the sovereign, that we might suppose that the example, when once presented, would have been imitated in the neighbouring government of France; yet, the local circumstances of that government not rendering a commutation equally necessary, it was not adopted there, and the military vassals continued to give their personal attendance in the field. Perhaps it is to this difference, as the primary cause, that we should attribute that grand and most important distinction between the nobles of the two nations, who were in the one a separate and privileged cast, in the other but the first order of citizens. In France, where the feudal service continued unchanged, an exemption from direct taxation was claimed by the nobles, and a line of separation was thereby drawn between them and the inferior orders; whereas in England, where a system of taxation was early introduced in its place, the nobles learned to feel a common interest in every thing with their fellow-subjects. In its

relation to the feudal government, my hearers will not fail to perceive a parallel between this change of the military institutions of England and the regulation which has been noticed by an * ancient historian, as conducing to the aggrandizement of the naval power of the Athenians, the pecuniary contribution, which the confederate islanders consented to substitute for the service of their ships, having been in reality a naval scutage.

The first trial of this measure was made indeed in a war, which was waged within the island, (*i*) such a commutation having been allowed to the spiritual barons in an expedition undertaken against the Welsh; but it was made general in the year 1159, when Henry engaged in a war for the support of a claim to the county of Toulouse in France, which he derived from his queen. This may therefore be considered as the epoch of the declension of the feudal government of England, which had been established nearly a century before by William the Conqueror; its entire suppression was not completed in less than five centuries, the last remnant of it having been destroyed at the restoration, by the act of parliament which abrogated military tenures.

In another respect also the government of

* Thucydidis de Bello Pelop. lib. 1. cap. 99.

this prince presents an epoch of constitutional improvement, * as it is to the thirteenth year of his reign, or the year 1167, that the beginning of the practice of granting charters of incorporation to towns on condition of receiving sums of money, has been referred. Lewis the Gross of France, who died in the year 1137, had set the example of incorporating the towns of his domains, which had been imitated by his nobles; and (*k*) even before his reign corporate privileges had not been entirely unknown in England: but at this time several of these communities were formed by Henry II. whose example was imitated by Richard I. and John, and thus a borough-interest was prepared, to furnish one part of the foundation of a popular legislature. For a trading country it was necessary that the towns should acquire a considerable share of importance in the government; and though the representation of the counties has always been esteemed as the principal portion of the deputies of the people, yet it is probable that a separate assembly of the commons would never have existed, if a considerable borough-interest had not supplied a class of members, with which the nobles would not deign to associate.

The reign of such a prince as Henry II. might

* Madox's Hist. of the Exchequer, ch. 11.

have formed a period of uninterrupted prosperity, if it could have been preserved from a contest with the church; but the aggrandizement of the clergy was important to the subsequent changes of the English goverment, and Henry was doomed to be harassed with the struggle. He had in the very beginning of his reign been aware that good policy required a reduction of the exorbitant power of the ecclesiastics; and * with this view had placed two laymen in the commission of grand justiciary, instead of granting that office to a prelate, or at least associating a prelate with a layman. † With the same view also he made that other appointment which proved so fatal to his peace, that by which Becket became the primate of England. This extraordinary man had conciliated the favour of Henry by the display of ability of every kind, in the deliberations of the council and in the relaxations of social intercourse, in the intricacies of negotiation and in the dangers of the field: he was therefore considered by the king as the only person, to whom he could with safety confide the important functions of the primacy; and Henry was even justified in this persuasion ‡ by the conduct which Becket had observed, when he held the office of chancellor.

The circumstances in which the power of the

* Lord Lyttelton's Hist. of Henry II. vol. 2. p. 18.
† Ibid. p. 137—140. ‡ Ibid. p. 135, 136.

church encountered the English monarchy were very peculiar. The papacy, far from being at that particular time in a state of vigour and authority, was weakened by a schism, which had begun about five years after the commencement of the reign of Henry, and about three before that of the primacy of Becket; and the pontiff with whom the contest was maintained, was accordingly a refugee in the dominions of the French king, and dependent on Henry for the acknowledgment of his spiritual dignity. In such circumstances it might be supposed, that the contest would have proved easy to the English monarch, as the apprehension of alienating so considerable a prince might render the pontiff fearful of giving him offence. They had indeed the effect of moderating the conduct of Alexander III, who had been received as the true pope by the two kings of France and England; but * while Alexander wavered, Becket stood firm, and the spirit afterwards manifested by the principal, was evidently communicated by the heroism of the subordinate agent. The struggle of Henry was therefore with Becket, rather than with the pontiff. But it was not merely by the intrepidity of the English primate, that the cause of the embarrassed and enfeebled papacy was thus criti-

* Berington's Hist. of Henry II. vol. 1. p. 223, 224.

cally sustained, the king of France, Lewis VII, (*l*) being most implicitly devoted to the cause of the church, of which he considered Becket as the meritorious champion. (*m*) A massacre, which that prince had commanded many years before, has been supposed to have loaded his mind with the consciousness of guilt, and to have rendered him anxious to seek expiation in his attachment to the clergy. In this manner an English prelate and a French king maintained the struggle of the pontiff, while he was himself exiled from his see; and a powerful monarch was made to tremble for his royalty by men acting in the name of a fugitive, * who had been indebted to him for the maintenance of a disputed and precarious authority.

Becket, soon after he had been advanced to the primacy, attended a council assembled at Tours by Alexander, of which † one of the principal purposes appears to have been to provide for the independence of the church. On his return ‡ he began the contest by setting up several claims agreeably to one of the canons of the council, and in particular by demanding from the earl of Herbert the surrender of the barony of Tunbridge, which ever since the conquest, or for nearly a century, had been held

* Lord Lyttelton's Hist. of Hen. II. vol. 2. p. 112.

† Ibid. p. 345. ‡ Ibid. p. 346.

by the family of that nobleman. These proceedings determined Henry to commence at once his meditated reformation. (*n*) The great grievance which the government suffered from the clergy, consisted in that exemption from secular jurisdiction, which had been conceded to them in the preceding reign; this therefore Henry resolved immediately to endeavour to remove, and it happened that Becket had recently protected from the civil power an ecclesiastic accused (*o*) of enormous and complicated guilt. The other bishops were disposed to submit; but the primate was inflexible, until the papal legate, apprehensive of an unseasonable rupture with Henry, prevailed with him to promise, that he would observe the ancient customs. These customs the king resolved to ascertain, and for this purpose convened at Clarendon a general council of the nobility and prelates, which voted without opposition the sixteen articles, denominated from this meeting the constitutions of Clarendon. But when Becket learned that the Roman pontiff had condemned in the strongest terms regulations so hostile to ecclesiastical independence, he retracted his submission, and expressed the deepest sorrow for the weakness with which he had been induced to yield.

The king, unwilling to commit himself with the clergy in a direct struggle about their pri-

vileges, sought to ruin the obnoxious primate by a series of prosecutions on various claims of a pecuniary nature. To several of these he submitted; but at last a demand was urged, which he was utterly unable to satisfy, and he therefore determined to effect his escape from the kingdom. The support given to this champion of ecclesiastical independence by the king of France, the exile of all his relatives and dependents, the subsequent assassination of the prelate himself, and the humiliations to which Henry was induced to submit himself, by the dread of the papal censures for his supposed concern in the murder, and by the desire of procuring the papal protection against the rebellion of his sons, compose the important history of this great struggle between the temporal and ecclesiastical authorities. In this struggle the influence of the clergy was greatly encreased, and by nothing so much as by the violent death of Becket, which exalted him into a martyr and saint, and brought the kings of England and France (*p*) to seek the favour of heaven at his tomb. Such was the anxiety of Henry to procure the protection of the pontiff against his rebellious sons, that he acknowledged (*q*) in express terms the feudal superiority of the see of Rome; the acknowledgment however was not much more abject than (*r*) that in which he had acquiesced, almost in the com-

méncement of his reign, when he received from pope Adrian a bull for sanctioning the invasion of Ireland. But it is deserving of attention that, however the clergy may have triumphed over the king, they did not triumph over the laws of the country; for (*s*) the constitutions of Clarendon remained unrepealed, and were even, twelve years afterwards, confirmed by a parliament.

A history of this reign has been within a few years published by Mr. Berington, professedly for the purpose of vindicating the character of Thomas a Becket from the misrepresentations of Lord Lyttelton; and this writer * appears to have assigned satisfactory reasons for rejecting two documents, to which that nobleman had ascribed some importance. But the true question, in the consideration of this controversy, is whether the constitutions of Clarendon did fairly represent the ancient customs of the English nation. If they did indeed form a true declaratory statute, the conduct of Becket could plead no justification, but from the abuses of the reign of Stephen, whom the clergy had placed upon the throne. Mr. Berington contends † that they could not have expressed the ancient customs of the realm; but from his own narrative it appears, that Becket was of a

* Appendix 2. † Hist. of Henry II. vol. 1. p. 173.

very different opinion. * When the papal legates urged him to promise to the king, that he would observe all the customs, which had prevailed in the days of his ancestors, his answer was, that he would not engage to obey customs, which were manifestly adverse to the liberty of the church, to the privileges of the holy see, and to the law of God: † when Henry declared that he should be satisfied, if Becket would do for him, as much as the greatest and holiest of the predecessors of the primate had done for the least of those who before him had worn the crown, his answer was, that all his predecessors had in their days cut off some abuses, though not all, and that he would not admit customs, which were adverse to the decrees of the holy fathers: and in the conclusion of the contention, ‡ the papal commissioners were directed to exhort the king to abolish the evil customs of the realm. In all these instances the claim of ecclesiastical dominion is open and undisguised. It is not insinuated that the genuine customs of England were favourable to the pretensions of Becket; but it is boldly maintained, that the ancient usages of the nation ought to give place to the encroachments of ecclesiastical supremacy. It is indeed not a little surprising, that this apologetical writer

* Hist. of Henry II. vol. 1. p. 236. † Ibid. p. 257
‡ Ibid. p. 270.

should, at the close of the eighteenth century, venture (*t*) to quote from Baronius with apparent complacency the extraordinary, but most characteristic anecdote, of the Saracen prince, who very naturally mistook the extravagant testimonials of veneration bestowed on the pontiff for the worship of a divinity, and actually prostrated himself before him as the god of the Christians: and it seems to be explicable only by supposing, that a secret love of ecclesiastical aggrandizement, as it caused him to overlook the inconsistency of the declarations of Becket and of his own argument, disposed him to regard with satisfaction the misdirected zeal of his Roman Catholic brethren, which an enlightened member of their own communion might be expected to consider as requiring an apology.

The age of Henry II. was remarkable for legislative improvement. (*u*) Early in the twelfth century Warnier or Garnier, in Latin Irnerius, gave those lectures in the school of Bologne, which so powerfully attracted the attention of Europe to the study of the civil law of Rome; and in emulation of this code compilations of the canon and feudal laws were framed at Bologna and Milan, and the first treatise on the English law was written in England. Nor were those other systems of legislation rejected from all incoporation with the English laws, though the nation was justly jea-

lous of its ancient jurisprudence. The affairs of the clergy rendered the introduction of the canon-law necessary for their peculiar transactions; the feudal nature of the government established since the conquest, naturally gave occasion to the adoption of the principles of the feudal code; and the intrinsic excellence of the regulations of the civil law, in the adjudication of private property, disposed the judges, who were generally clergymen, and therefore well acquainted with them, to observe them in the administration of justice, while the severity of that law, in punishing offences committed against the state, recommended it to the approbation of their sovereigns.

Henry II. was succeeded by Richard I. who was, almost through his entire reign, a stranger to the country which was the chief object of his government. Of the ten years which he reigned, he passed only four months in England. A crusade employed him nearly three years; he was detained about fourteen months a prisoner in Germany, where he had been treacherously captured on his return from Palestine; and the rest of his reign was almost wholly engrossed by his contests with the king of France for his dominions in that country. The government however of this absentee-sovereign was not destitute of influence exercised in various manners on that very country, from

which he was so estranged. It exhausted the resources of the crown by (*v*) those sales of the revenues and royal manors, to which he had recourse for defraying his military expences; it roused the attention of the people to the exactions levied by the monarch, in consequence of the magnitude of the sums which he found it necessary to demand; and it excited among the nobles a spirit of independence, by withdrawing from them the control of his presence. This last influence of the government of Richard was soon conspicuous in the reign of his successor, the first symptom of a regular association among the nobles appearing so early as in the second year of that reign, * when the barons unanimously declared, that they would not attend John into France, unless he would engage to restore and preserve their privileges. A particular incident, which occurred immediately in consequence of the absence of Richard, may even be considered as having suggested this association. † The administration of the kingdom having been entrusted to the bishops of Durham and Ely, John, the brother of the king, eagerly availed himself of the discontent excited by the conduct of the latter, who engrossed the government, to summon him

* Hume's Hist. of England, vol. 2. p. 46. † Rapin's Hist. of England, vol. 1. p. 249.

to appear before a general council of the nobles and prelates, thereby exhibiting the example of a combination, which was soon to prove so fatal to his own authority.

It might be thought that such a government must have been agitated by frequent and violent disturbances; but the personal character of Richard operated to the prevention of those disorders, which might else have accompanied these effects of his continued absence. Richard, surnamed Coeur de Lion on account of his extraordinary and romantic valour, was beloved by his subjects for the reputation which he procured to his country. Of the firmness of the support which he received from their attachment, no stronger proof need be alleged, than that * when, in the latter part of his reign, the clergy refused to submit to their share of one of those assessments, which his necessities compelled him to impose, he ventured to exclude that formidable body from the protection of the law. The character of Richard indeed probably influenced that of his people, introducing among them a more romantic spirit of chivalry, particularly among his English subjects, by whom † he appears to have been extremely beloved. Nor should it be forgotten, that (*w*) the name of this prince is found in the series of

* Hume's Hist. of England, vol. 2. p. 38. † Ibid. p. 37.

those who cultivated the poetry of the south of France, and that he was a liberal protector of the genius of his brother-bards.

The following reign has been rendered memorable as the epoch of the solemn confirmation of the liberties of England; and in all its circumstances we discover tendencies to bring to their crisis those combinations, which have been noticed in the reigns of Stephen, Henry II. and Richard I. In that of Stephen I have remarked the first establishment of ecclesiastical usurpation in England, the combined result of his embarrassing situation and of his imprudence: in that of Henry II. I have pointed out that aggrandizement of this formidable power, which was the work of peculiar circumstances, of the inflexibility of Becket, the bigotry of Lewis, and the rebellion of the sons of Henry; and also observed, that the vigorous government of this distinguished monarch was successfully employed in rectifying the temporal disorders of his kingdom, the consequences of that anarchy of the preceding reign, which had been so favourable to the ascendancy of the clergy: and in that of Richard I. I have noticed the operation of the continued absence of the sovereign, in exciting among his subjects, and particularly among the nobles, a feeling of independence, while his romantic reputation created, in their fond attachment to his person, a bond of civil

union, which secured his kingdom from the evils of a feudal aristocracy. When the clergy had been thus prepared to insult and degrade the authority of the crown; when the nation had been, during a long and active reign, habituated to the restraints of a wise and vigorous government; and when the nobles had been abandoned to their own discretion during an improvident, but a splendid and fascinating series of foreign enterprises; a reign of weakness and embarrassment was alone required for procuring a solemn authentication of those rights, for which the English had learned to be solicitous.

John began his reign amidst the difficulties of a defective title; he was then engaged in a contest with the Roman pontiff about the election of an archbishop of Canterbury; and the cowardice with which he abandoned his continental territories to the king of France, (*x*) the meanness with which he surrendered the crown of England to the see of Rome, and the general tyranny of his conduct towards his subjects, involved him in the last great struggle with the barons. Through this combination of embarrassing circumstances the personal character of John is every where conspicuous, as a compound of cowardice, tyranny, sloth, and imprudence, and therefore precisely fitted to provoke that general resistance, which established the

liberties of England. And if we turn from the consideration of his own character to those of the Roman pontiff and of the French monarch, with whom it was his fortune to contend, we shall discover a not less remarkable adaptation. Innocent III, who was advanced to the papacy in the same year in which John ascended the throne of England, was of an enterprising and aspiring genius, and being only thirty-seven years old at the time of his elevation, possessed all the vigour necessary for the accomplishment of his favourite scheme, that of perfecting the temporal sovereignty of the Roman see. It is deserving of notice that this pontiff also died in the same year with John, which was the year following the memorable year 1215, when the great charter was extorted by the barons at (*y*) Runnemede. These two principal actors in this important scene appeared together upon the stage of public events, and also retired at the same time, as if their existence had been necessarily closed, as soon as the great crisis, to which they had been in different ways instrumental, had been brought to its conclusion. The struggle too between John and his barons required an enterprising monarch of France, who should be ready to become the champion of the papal claims, though without any bigoted attachment to the interests of Rome; and Philip Augustus, who was contemporary with John,

exactly corresponded to this description. When Henry II. was involved in a contest with the church, the power of the Roman see was so enfeebled by a schism, that a bigoted monarch of France was necessary for stimulating pope Alexander to the maintenance of the pretensions of the papacy; and Lewis VII. was strenuous in the exhortations which he addressed to the pontiff: but the uncontrolled ambition of Innocent required not such incitements; and, on the contrary, the conclusion of the contest between the English sovereign and his barons demanded the interference of an ambitious and politic monarch, who should pursue only what might appear to be his own immediate interest. Philip, in conformity to this latter description, availed himself of the weakness and imprudence of John to deprive him of his continental territories, disregarding the prohibition of the pontiff; was ready to be the champion of the church, when the support of the papal cause seemed to offer him an opportunity of adding to his acquisitions the kingdom of England; and afterwards, when John had sheltered himself under the papal protection, was not less ready to maintain the cause of the revolted barons. Fortunately too for the interests of the English government, the selfishness of his policy became at last so manifest to the confederated barons, that the two parties became balanced, when

the seasonable death of John put an end to the struggle.

The immediate instrument, by which the great charter was obtained, was an ecclesiastic, Stephen Langton, nominated by the pope to the see of Canterbury in consequence of an appeal which had been made to him in regard to a contested election, the king himself being one of the appellants. Langton, * though an Englishman, had been educated in France, and was connected by his interests and attachments with the see of Rome; he was therefore thought to be a fit person for extending in England the papal authority, of which his advancement would be itself an enlargement. John yielded with extreme reluctance to the appointment, enforced as it was by a papal excommunication, and by the arms of France; and his resistance seems to have suggested to the new primate the scheme of securing the liberties of the church, by precautions which should connect them with those of the nation. With this view he first obliged the king to swear, that he would renew the good laws of his predecessors, and especially of Edward; he then produced to the barons (z) a copy of the charter of Henry I, which in an illiterate age had naturally fallen into oblivion; and finally entered into a formal confe-

* Berington's Hist. of Henry II. vol. 2. p. 156.

deracy with them for the recovery of their rights. In this enterprise he was opposed by the papal power, which since the submission of the king had extended its protection to the royal cause: Langton however persevered resolutely in his project, though he subjected himself to a sentence of suspension. His first motive was probably, as has been remarked, the apprehension excited by the reluctance with which John had acquiesced in his advancement; he may also have been influenced by a patriotic concern for the welfare of the country, of which he was a native; and * he was certainly much offended by the proceedings of the papal legate, who had been empowered by the pope to fill the numerous vacancies, which had occurred in the English church during an interdict of six years. The revolution therefore, which produced the great charter, though founded on the love of ancient liberty, was in all its parts the work of ecclesiastical interference. The struggle with the crown was begun by the encroachment of papal ambition; it was continued by the policy, the patriotism, or the irritation of the English primate; and † the confederate army which marched against the sove-

* Berington's Hist. of Henry II. vol. 2. p. 205. Hume's Hist. of England, vol. 2. p. 87. † Hume's Hist. of England, vol. 2. p. 88.

reign, assumed the appellation of the army of God and of the holy church.

But though the church was thus intimately concerned in this important revolution, it is remarkable that it was effected in direct opposition to the papal authority, John having made his peace with the pontiff by his submission; and in this manner it seems to have happened, that ecclesiastical dominion was hindered from becoming incorporated with the liberties of the English government. If the revolution had been directly accomplished by the papal interposition, it must be supposed that care would have been employed to insert in the great charter some stipulations, which would have established more securely the dominion of the papacy, and thus have taken from the religious as much as was added to the political liberties of the nation. But as it was actually accomplished, though ecclesiastical influence furnished the prevailing impulse, the people (*aa*) were arrayed in opposition to the denunciations of the see of Rome, and taught to disregard its menaces. So little however was the nation able to encounter the power of John, when thus supported, that (*bb*) they judged it expedient to offer the crown to the eldest son of the king of France. Fortunately for the English government, when the jealousy soon excited by the imprudent partiality of Lewis had already alienated the English nobles, the

death of John and the minority of his son Henry removed their apprehensions, and brought them back to the regular succession of the crown.

The great charter thus obtained from John at the memorable conference at Runnemede, consisted partly of provisions designed to protect the clergy and nobles against the power of the crown, and partly of stipulations, the purpose of which was to attach to the support of the aristocracy the great mass of the people, and thereby to give security to their peculiar privileges. The former naturally constituted the grand object of the leaders of this revolution; and while the ecclesiastical establishment was not subjected to the temporal authority of the state, and the feudal form of the government continued to subsist, they continued to be important, because accommodated to the existing circumstances of the country: but since the church has ceased to affect an independence of the civil government, and, in the encrease of commerce and general improvement, a lower order of men has gradually risen to political importance, and the feudal principles of the constitution have even been abrogated by a formal act of the legislature, those other provisions, which had been introduced to gratify the inferior freemen, and attach them to the cause of the nobles, have alone remained as

operative articles, essentially comprising the liberties of these countries. But these stipulations in favour of general freedom, though probably suggested to the barons by a consideration of present expediency, must not be regarded as having originated in the temporary circumstances of the actual crisis. The barons, in the beginning of their association, demanded the confirmation of the laws of Edward; and we may therefore conclude, that these popular provisions were contained in those ancient laws of the Saxon government, which William the Conqueror swore to maintain, and which were revived in the general declarations of the charter already granted by Henry I. Thus did the original principles of the laws of England, which had been formed amidst the independence of the Saxon government, continue to struggle against the feudal severities, by which the disorderly tendencies of that independence were repressed and controlled, until at length they prevailed over a resistance which had then ceased to be necessary, and finally, in the concluding revolution in the year 1689, were registered in the bill of rights, as the unalienable privileges of a free people.

The reign of this prince was an important epoch of the foreign possessions, as well as of the internal arrangements of the English government; since of the continental territories

all, except Gascony and Bourdeaux, were reduced by the king of France. * Various favourable circumstances assisted Philip in effecting this valuable acquisition. The counts of Flanders and Blois were engaged in a crusade; the count of Champagne was an infant, and under the guardianship of Philip; the people of Brittany, enraged at the murder of their prince Arthur, which was imputed to John his uncle, vigorously promoted all the measures of the French king; and the general defection of the vassals of the English monarch rendered every enterprise undertaken against him easy and successful. So violent indeed was the antipathy of the Normans to the French government, that nothing less than such a combination of circumstances could have disposed them to submission.

In the last lecture I remarked the influence of the temporary separation of Normandy from the English crown, which followed the death of William the Conqueror, as tending to dispose his successor to place a reliance on his native subjects of England; and observed that this separation ceased, and Normandy became again connected with the crown of England, in the reign of Henry I. the same which by a common charter united the interests of the Norman and English inhabitants. I may now farther remark, that as the great continental possessions

* Hume's Hist. of England, vol. 2. p. 57.

of Henry II. enabled him to maintain that degree of ascendancy, which was necessary for repressing the disorders engendered in the reign of his predecessor Stephen; and the same possessions afterwards assisted in occasioning the absence of Richard from his English territories, which favoured the independence of the nobles; so, when a compact had been solemnly concluded between the crown and the people, and the government was going to assume modifications, which were to establish a more orderly arrangement of the several classes of the nation, those foreign possessions, subject to a different constitution, and furnishing to the prince very considerable resources, would have proved a very inconvenient and embarrassing appendage to the English monarchy. In this view therefore the weakness and misconduct of John, which permitted their final separation, appears to have had a farther operation in favouring the cause of English liberty. While they provoked a combination of the nobles by which it was asserted and maintained, they threw off an encumbrance, by which the efforts of that combination might have been grievously obstructed. And if we turn our thoughts to the influence, which the annexation of such considerable provinces to the crown of France exercised on the government of that country, in elevating the royal authority above the feudal aristocracy among

which it had been parcelled, we shall perceive this feeble and tyrannical prince the unintentional instrument, at once of liberty in his own country, and in France, though not of a free constitution, a form of policy incompatible with its circumstances, yet of an orderly and consistent arrangement of the powers of the state.

(*a*) Hume observes, that the very form of this charter of Henry proves, that the barons were totally ignorant of the nature of limited monarchy, and ill qualified to conduct, in conjunction with their sovereign, the machine of government. "It is," he adds, "an act of his sole power, is the result of his free grace, implies several articles which bind others as well as himself, and is therefore unfit to be the deed of any one, who possesses not the whole legislative power, and who may not at pleasure revoke all his concessions." Hist. of England, vol. 1. p. 347.

(*b*) Lord Lyttelton's Hist. of Henry II. vol. 1. p. 223. The romantic character of the age is displayed in the circumstances of this transaction. Matilda was guarded to Bristol by Henry the king's brother, and the earl of Mellent his favourite; an office which no honourable soldier (says William of Malmsbury) could refuse

to perform for his greatest enemy. Hist. Novell. f. 104.

(c) The Decretals of Gregory IX. which he had commanded to be read and divulged throughout the whole world, were brought into England in the nineteenth year of the reign of Henry III; but that king forbad them to be taught in the schools of London. Lord Lyttelton's Hist. of Henry II. vol. 1. p. 520.

(d) By his mother he inherited the duchy of Normandy; by his father the earldoms of Anjou, Touraine, and Maine; and by his marriage with the divorced queen of France he acquired the duchy of Aquetaine, comprehending Guienne, Poictou, Xaintogne, Auvergne, Perigord, Angoumois, and the Limousin. He afterwards, by the marriage of one of his sons, obtained possession of Brittany. He was also entrusted with the regency of Flanders, when the count and countess went on a pilgrimage to Jerusalem; and as their son espoused the heiress of Vermandois, that province likewise was submitted to his direction.

(e) Malmsbury, who dedicated to this nobleman his treatise De Gestis Regum Anglorum, panegyrizes him as learned and liberal: f. 98. And John of Salisbury describes him as one who should have been a king, but that he deserved to be placed by his virtue in an independent station, *in libertatis culmine*, from

which he should behold kings in an inferior order. Epist. Joan. Saresb. ad Wigorn. Episcopum.

(*f*) So great, says Hume, was the reputation of his government, in respect to the administration of justice, that Sanchez king of Navarre, having some disputes with Alfonso king of Castile, was contented, though Alfonso had married the daughter of Henry, to choose this prince as an arbitrator; and the sentence was such as gave satisfaction to both parties. Hist. of England, vol. 1. p. 512. The same historian says, that he distributed England into four divisions, into which for the first time itinerant justices were sent to perform their circuits. Ibid. p. 493. Lord Lyttelton observes, vol. 3. p. 206. that the first mention of itinerant justices in the ancient chronicles is under the year 1176; but he adds that Madox has shown, that there had been such justices in the eighteenth year of Henry I. who probably introduced them in imitation of Lewis the Gross of France. He thinks it probable however, that a new division of the kingdom into six circuits was made in the twenty-second year of Henry II. or the year 1176; and another into four, in the twenty-ninth year of the king; and that the practice which had been interrupted by the agitations of the preceding reign, was then renewed and established. But justice must have been

very imperfectly administered, when fines were commonly paid to the king for interfering in various ways with the regular course of legal proceedings. Ibid. vol. 2. p. 306. Blackstone says that the judges of assize were regularly established, if not first appointed, in the year 1176; and that they performed their circuits once in seven years, until they were directed by the great charter to visit each county once in each year. Comment. book 3. ch. 4. Lord Lyttelton says that during a great part of the reign of Henry II. the circuits were performed yearly, but that some time before the year 1261. they were restrained to a period of seven years, probably by the jealousy of the barons. Hist. of Henry II. vol. 3. p. 208.

(g) Of the trial by jury Mr. Turner says, that it may be traced to the earliest of the Saxon times, as indeed it seems to have been common to all the German nations. Concerning its progressive growth he makes the following remarks. "On the whole it would seem that the custom of letting the oaths of a certain number of men determine legal disputes in favour of the person for whom they swore, was the origin of the English jury. It was an improvement on this ancient custom, that the jurators were named by the court instead of being selected by the parties. It was a further progress towards our present mode of jury, that

the jurators were to hear the statement of both parties before they gave their deciding veredictum, or oath of the truth." Hist. of the Anglo-Saxons, vol. 4. book 5. ch. 9.

(*h*) Scutage was otherwise called escuage, which word was derived from the French word *escu*, signifying a shield, as the name scutage is derived from the Latin word *scutum*. The sum demanded by Henry for each knight's-fee was three pounds; and the entire sum levied in England was one hundred and eighty thousand pounds, estimated by Henry, vol. 5. p. 126, as equivalent to two millions seven hundred thousand pounds of modern money. This tax was at first levied by the royal authority; but, on account of the abuses of the practice, it was declared by the great charter, that scutages should be imposed only by the common council of the kingdom. Blackstone observes that it became the parent of the ancient subsidies granted to the crown by parliament, and of the land-tax of later times. Comment. book. 4. ch. 33. Henry II. also availed himself of the popular zeal for the crusades to introduce the first tax on personal property. Hume's Hist. of England, vol. 1. p. 513.

(*i*) Hist. of Henry II. vol. 2. p. 186. Perhaps the first example of the tax should rather be sought in the reign of William Rufus. That king, "having gone over to Normandy to sup-

port his partisans, ordered an army of twenty-thousand men to be levied in England, and to be conducted to the sea-coast, as if they were instantly to be embarked. Here Ralph Flambard, the king's minister, and the chief instrument of his extortions, exacted ten shillings a piece from them, in lieu of their service, and then dismissed them into their several counties." Hume's Hist. of England, vol. 1. p. 320. This seems however to have been disregarded by historians, as an irregular act of oppression. Lord Lyttelton also doubts whether that was a scutage, which was levied in the Welsh war; it being entered upon the rolls under the name *donum*, and some who paid it, not holding by military tenures; and also because the king did not go in person. Notes to the 2d and 3d book of the life of Henry II. p. 14.

(*k*) Henry I. had already granted a charter to the city of London, confirming the benefits granted by his father, with some very considerable additional favours; and in the reign of Stephen mention is made of the community of London, and of barons, who had long before been admitted into that body. Lord Lyttelton's Hist. of Henry II. vol. 1. p. 101, 240. Both in France and England, as the same historian remarks, municipal privileges existed before the reign of Lewis the Gross. Ibid. vol. 4. p. 29.

(*l*) "I am a king," said this prince to the English embassadors, "as well as the king of England; but I would not have deprived the lowest clerk in my kingdom, nor do I think that I have power to do it." Ibid. vol. 2. p. 387.

(*m*) Ibid. vol. 1. p. 302. This was the massacre of the inhabitants of Vitri, which he had caused to be perpetrated in the year 1143, that he might be revenged of the count of Champagne. To expiate the crime, the king had been persuaded by Saint Bernard to engage in a crusade. Henault's Chronol. Abridgment, vol. 1. p. 146.

(*n*) Ibid. vol. 2. p. 340. It had been found by enquiry that not fewer than an hundred murders had, since the king's accession, been perpetrated by ecclesiastics, who had never been called to account. Hume's Hist. of England, vol. 1. p. 427, 428.

(*o*) Of debauching the daughter of a gentleman, and murdering the father. Ibid.

(*p*) Christ himself was desired, in one of the authorized liturgies, to save the souls of the supplicants, not by his own blood, but by that of Becket:

Tu per Thomæ sanguinem
Quem pro te impendit,
Fac nos Christe scandere
Quo Thomas ascendit.

Ibid. vol. 4. p. 348.

Hume tells us, that it was computed, that in one year above an hundred thousand pilgrims paid their devotion at his tomb. Vol. 1. p. 461.

(*q*) He acknowledged himself the vassal of the pope, and called England the patrimony of Peter. Berington's Hist. of Henry II. vol. 1. p. 335. Lord Lyttelton considers the expression as originating with the secretary, Peter of Blois. vol. 3. p. 115.

(*r*) "There is indeed no doubt," says the bull of pope Adrian IV, "that (as you yourself acknowledge) Ireland and all other islands, which Christ the sun of righteousness has illuminated, and which have received the doctrines of the Christian faith, belong of right to the jurisdiction of Saint Peter, and the most holy Roman church. Lord Lyttelton's Hist. of Henry II. vol. 3. p. 44.

(*s*) Ibid. p. 203. The same historian shows that the constitutions were actually enforced.

(*t*) Hist. of Henry II. vol. 1. p. 65. The pontiff is described as having returned an affable answer, and as having ordered the worshipper to take an honourable place at his feet. The apostles acted somewhat differently on similar occasions. When the priest of Jupiter, with the people of Lystra, would have offered sacrifice to Paul and Barnabas, they rent their clothes with horror, and strenuously exerted

themselves to hinder the impiety. And when Cornelius fell down at the feet of Peter, and worshipped him, Peter desired that he would rise; though it cannot be supposed that the devout Cornelius intended to express by this action more than his reverence for what he conceived to be an angelic presence.

(*u*) Hist. Litt. d'Italie par Ginguene, tome 1. p. 154—157. Paris 1811. The Decretum of Gratian, a Benedictine monk of Bologna, was published in the year 1150; and a compilation of the feudal laws of Lombardy was published at Milan about the year 1170. The treatise on the English laws was written either by, or in the name of, Ranulf de Glanville, chief justiciary of Henry II. Selden says of this treatise, "as, on the one side, I dare not be confident, that it is Glanville's, so I make little question that it is as ancient as his time, if not his work." Nicholson's English Hist. Library, p. 181. Lond. 1776.

(*v*) He declared that he would sell London itself, if he could find a purchaser. Hume's Hist. of England, vol. 2. p. 6.

(*w*) Having been made count of Poictou in the year 1174, he had an opportunity of acquiring a taste for the Provencal poetry. The historian of the Troubadours however remarks, that he appears to have been inspired by anger, rather than by love. Of the two poems of this

prince, which have been preserved, one expresses the indignation which he felt during his confinement in Germany; the other reproaches the dauphin of Auvergne and his cousin for not joining Richard against the king of France. The place of his captivity in Germany is said to have been discovered by a minstrel, who, having been informed that a prisoner of distinction was imprisoned in a certain castle, sung a couplet of a song which he had composed with Richard, and was answered by the king. The anecdote at least characterizes the English prince. Hist. Litteraire des Troubadours. tome 1. p. 54, &c. Paris 1774.

(*x*) Mr. Berington contends, that no idea of unworthiness could be annexed to this transaction, because acts of feudal submission were not infrequent, and the conduct of John was sanctioned by his nobles. Hist. of Henry II. vol. 2. p. 182—190. But when the barons afterwards sought protection from the son of Philip, this very transaction was alleged as forming a part of the justification of their revolt. Hume's Hist. of England, vol. 2. p. 100.

(*y*) So called, says M. Westm. because it had been often the scene of public councils; the name signifying the Mead of Council. Flores Hist. an. 1215.

(*z*) Hume represents the barons as searching for this charter, and unable to discover more

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than a single copy, into such oblivion had it fallen. Vol. 1. p. 346. The truth is that a copy had been deposited in an abbey in each county, and that one was produced by Langton, not discovered by the barons.

(*aa*) But though the primate refused to publish the papal sentence of excommunication, he submitted quietly to the suspension of his own office, and went to Rome. Berington's Hist. of Henry II. vol. 2. p. 274.

(*bb*) As Blanche of Castile, the wife of that prince, was descended by her mother from Henry II, they maintained that, though many others stood before her in the order of succession, they had not set aside the royal family. Hume's Hist. of England, vol. 2. p. 100.

LECTURE XIII.

Of the history of England from the accession of Henry III, in the year 1216, *to that of Edward II, in the year* 1307.

Henry III.	1216
Representation of counties	1254
Earl of Leicester's parliament	1265
Edward I.	1272
Wales conquered	1282
Representation of boroughs	1283

IN the preceding lecture I endeavoured to trace the steps, that led to the solemn authentication of the ancient liberties of England, in the important charter which John was with so much difficulty forced to concede. This charter, in providing remedies for the various grievances of that period, established many regulations, relating to the feudal tenures, which have since been abolished, and in these particulars is now a subject only of antiquarian curiosity; but in others * it contains rights which are

* Blackstone's Comment. book 4. ch. 33.

still acknowledged to be a part of the public law, and principles which are the foundation of our existing liberties. Two great principles, the one of private, the other of political freedom, are distinctly secured: it was declared that no man should suffer any punishment but by the judgment of his peers, or by the laws of the land; and that no tax should be imposed on the community but by the common council of the realm. It must be admitted indeed that, * as Hume has remarked, it did not contain any establishment of new courts, magistrates, or senates; nor any abolition of the old: it introduced no new distribution of the powers of the commonwealth, and no innovation in the political or public law of the kingdom. The time was not then come for improving the constitution of the government by such alterations; but there was much irregularity in the administration, which it was necessary to correct, and it was most important that principles of liberty should be established, which might serve as landmarks to direct the nation in its progress towards the attainment of the public happiness.

It is natural that the importance of this celebrated instrument should be most highly appreciated by a writer living under a government

* Hist. of England, vol. 2. p. 147.

less favourable to liberty: and accordingly we find that Mably * in his observations on the history of France, has borne the strongest testimony to its merits. He admits indeed that many defects are discoverable in it, if it be compared with the combinations of classical antiquity, or with the speculations of philosophers; but he judiciously contends that, considered as it ought to be, in reference to the circumstances of the time in which it was formed, it proves that the English had made a progress in the knowledge of society, infinitely more considerable than other nations. The English, says he, began to be considered as (*a*) a mass, all the parts of which were important to the whole; while in the other countries of Europe the different orders of citizens, always hostile to each other, and not having yet discovered those secret connections, which linked their particular interests to the general good, sought only to oppress and to insult, and gloried in obtaining privileges which were inconsistent, and which, tending only to divide their interests, were incapable of acquiring a permanent establishment. The cause of the difference in the subsequent situations of the two governments of France and England he accordingly discovers in that of the great ordinances of the two countries;

* Liv. 5. ch. 4.

the French (*b*) having neglected to regulate with precision the general rights of the nation, and to render the oppression of an individual, as in England, a public concern. This difference of the conventions, which the nobles formed with their respective sovereigns, he also philosophically refers to the original circumstances of the two countries. In France, he remarks, the feudal constitution had arisen out of anarchy, and it was natural that the general sentiment should there be favourable to the royal power, which alone could repress the licentiousness of a feudal aristocracy: but in England the same constitution had been imposed by a victorious and powerful prince, on a nation previously accustomed to a considerable degree of independence; and a continual struggle was accordingly maintained in opposition to the extension of the royal prerogative.

The political constitution of England however remained to be developed. A general acknowledgment of the more fundamental rights of the nation had been obtained from the sovereign; but that organ by which the popular interests have been since maintained, was yet even to be formed, and the government was therefore defective in the most important part of its composition. A common council of the realm did indeed exist, and to this body was referred the regulation of the public assess-

ments; but it does not appear that the national council yet included any persons acting as representatives of others. It is the purpose of the present lecture to review the period, in which was gradually unfolded the first imperfect form of parliamentary representation, that grand and influential part of our constitution, which has been in later periods the characteristic glory of England. Feeble and rude indeed were its beginnings, and little did they promise of that full maturity, which it afterwards attained; but growing out of the changing circumstances of the country, and not superadded by the interference of an innovator, it was naturally gradual in its formation, like those changes of political circumstances from which it drew its origin.

The disputes which have arisen in the contentions of political parties, have necessarily extended to the original of this popular part of our mixed constitution. (*c*) The friends of liberty have been anxious to prove, that at least the principle of popular representation was coeval with the English government; while the advocates of power were not less desirous of showing, that this part of the constitution was much more recent, and even tainted with the guilt of the earl of Leicester, who devised it to support himself in his usurpations. The minds of men are now too well instructed in regard to

the nature of political rights, to suffer them to be influenced by a consideration of the circumstances, or of the time, of that original, which is allowed to have been as ancient as the thirteenth century: they have accordingly ceased to feel any more direct solicitude about this other question of our political history, than about that of the conquest of the first Norman sovereign: and the enquiry into the origin of the house of commons, though still a most interesting and curious speculation, is now reduced to its proper class, that of disquisitions of political antiquity. To a philosopher indeed, speculating on the formation of the most illustrious constitution which the world has ever seen, and yet more to a subject of this government, desirous of acquiring from a review of its history a practical knowledge of its nature, it is still important and interesting to enquire, how far this valuable institution was the work of personal and contingent circumstances, and how far it arose from the general operation of political causes, necessarily, though gradually, effecting an alteration in the entire structure of the social system.

Some writers have (*d*) contended, that the moderns have no right to assume the merit of introducing popular representation into the combinations of politics, the ancients having exhibited examples of all its varieties. But though

elective assemblies of legislators may be found among the governments of antiquity, it would I believe be impossible to discover any instance, except in the governments of federative associations of states. The Amphyctionic council, the Achæan league, and the Lycian confederacy were all of this description; and the senate of Athens was but a committee of annual magistrates, the legislative power residing in the people. It seems indeed not to have occurred to the politicians of antiquity, that an elective legislature could be applicable to the circumstances of a single state. In a confederation of various governments there was a manifest necessity of assembling deputies, who should manage the interests of their absent constituents; thus far accordingly the ancients proceeded, but the moderns appear to have an exclusive right to the credit of applying the principle of representation to the separate concerns of a single nation. However simple and obvious such an expedient of policy may now be deemed, the republic of Rome was ruined chiefly by the want of this contrivance for reconciling the pretensions of the Italians with the stability of the state.

Neither can we find among the Saxons the rudiments of representative legislation. The great council of the Anglo-Saxons was indeed constituted in a very popular manner, because

they had migrated from their original country in all the simplicity of its earlier manners, and the circumstances of their settlement in England had favoured their independence. Some imperfect resemblance did subsist between their customs and the feudal usages, yet almost the whole of the lands of England appears to have been held by allodial, or independent proprietors, and all these persons seem to have had a right of assembling in the great councils of the nation, as free proprietors of their lands, and not as vassals of the crown. But though these councils were thus popularly constituted, * we have reason to believe, that they did not comprehend any representative members: the expression *infinita multitudo*, applied to these meetings by the old historians, warrants the opinion, that the allodial proprietors assembled in person, not by representation.

The constitution of the national councils was changed by the conquest, the feudal system being then introduced, in all that maturity which it had shortly before attained in France; and these assemblies began to be composed of the military tenants of the crown with the superior clergy. The number of the persons who enjoyed the privilege of sitting in them, was in

* Millar's Hist. View of the Engl. Government, vol. 1. ch. 7. Lond. 1803.

consequence of this alteration considerably reduced, the military tenants, who held immediately of the crown, not being quite seven hundred. So far we do not discover the existence of persons delegated by others to represent them in the public councils. The Saxon Wittenagemot appears to have been an assemblage of all the independent proprietors; and the Norman (e) parliament was a less numerous meeting of the military vassals of the crown and the superior clergy. To the latter however was soon added a proportion of representative members, though a considerable time elapsed before these became sufficiently important, to form themselves into a distinct and independent assembly, and to constitute a house of commons.

It is observable that in the feudal governments the towns began about the same time to be generally incorporated, and to be consulted about the public exigencies. In the towns had been chiefly accumulated the wealth, which was introduced by the improvement of commerce; and when it was perceived that the assistance of these little communities was indispensable to the public measures, it was natural that they should be invited to send deputies, who should be authorized to express their consent. Indeed it seems probable that some portion of this kind of representation had existed from the very

commencement of the feudal councils, because the sovereign would probably seek the pecuniary assistance of the towns situated within the royal domains, while he required the advice and the personal service of his military vassals. The difference between the two cases appears to have consisted in extending the practice generally to the chieftains of the kingdom, instead of confining it to those which were placed within the immediate domains of the sovereign.

In this manner the principle of representation was applied to a case, in which it had never been employed by the politicians of antiquity, though the reason of the new application was similar to that of the old. The ancients had perceived the necessity of delegating deputies only in confederacies formed of several republics, while in each single republic all the free citizens claimed a right of deliberating on the public measures: the modern feudal governments were not indeed confederacies, but they comprehended several towns within their territories, and were necessitated by their pecuniary wants to enter into some sort of negotiation with the little communities which they included, and with which they could treat only by deputies, as with so many separate republics. The magnitude and the complex structure of the feudal monarchies of the moderns

corresponded so far to the federative associations of antiquity, as to give occasion to the adoption of the same expedient; but as a feudal monarchy, however large or heterogeneous, was still a single government, that expedient, which had before been limited to federative associations of distinct states, was then introduced into the interior policy of nations.

But though in all the feudal governments the deputies of towns were admitted into the public councils, the principle of representation was in (f) England only so extended, as to embrace effectually within its application the lesser proprietors of land, as well as the inhabitants of towns, and thus to form one compound assemblage of delegated members, representing the entire body of the commons. This was the important distinction, which separated the constitution of England from those of the continental countries; this was the characteristic principle, which was by slow degrees expanded into the full-grown majesty of a popular, yet regulated government.

This important peculiarity of the English constitution was, as might be supposed, the result of a special combination of circumstances. One part of the combination consisted in this, that the lesser barons declined in property and importance just at the time when the towns began to be considerable. The lesser barons, unable

to defray the expense of personal attendance, could bear their part in the public councils only by adopting the expedient, which seems to have been already practised in regard to the towns included within the domains of each feudal superior; and accordingly began to be summoned to appear by their representatives: on the other hand, the encreasing importance of the towns suggested the policy of comprehending them generally in the measure of providing for the public necessities, by requiring all the more wealthy to send their deputies: and the similarity of the mode of their appearance in parliament, together with the manifest difference between representative members and those who appeared in their own right, tended naturally to occasion a gradual union of the representatives of the lesser barons with those of the boroughs, and to separate this united body from the other members of the public councils. But the coincideuce of the declension of the lesser barons and of the aggrandizement of the towns, would have been insufficient to produce this result, if it had not been assisted by the proportion which subsisted between the power of the sovereign and that of the great nobility. If the sovereign had been so powerful as to disregard the opposition of his greater vassals, he would have felt no interest in summoning those who could not attend in person, to send their representa-

tives; if on the other hand the greater nobles had been too powerful for the authority of the crown, the sovereign must have submitted without venturing to solicit the aid of such auxiliaries: but proportioned as were the different orders of the English government among themselves, the sovereign felt himself able to oppose some resistance to the aristocracy, but at the same time was sensible of the importance of securing the attendance of a lower order of men, who would naturally be jealous of their immediate superiors.

The same circumstances, * according as they existed more or less completely in the other countries, were productive of changes in the national councils more or less resembling those which were effected in England; but in none of these countries did such a special combination of circumstances occur, as was necessary to the formation of an assembly analogous to the English house of commons. In France the representatives of boroughs were admitted into the national legislature in the year 1303, when the states general of that kingdom were convened for the first time by Philip the Fair; but the greater authority possessed about this time by the French monarch, was probably the cause,

* Millar's Hist. View of the Engl. Government, vol. 2 p. 207, &c.

which hindered him from adopting the same expedient that had been employed in England, for counterbalancing the power of the aristocracy: no other representative members therefore were admitted into the national council of France than those delegated by the boroughs, the number of which, both in France and England, was long inconsiderable. The free cities of Germany had in the thirteenth century acquired such opulence, as enabled them to form the celebrated Hanseatic league for their mutual protection; and their power necessarily obtained for them a right of assising in some degree at the diets of the empire: but the power of the emperors was destroyed at the same time; (*g*) that of the greater nobility was therefore firmly established; and no means existed for forming any effective coalition of the inferior nobles and of the representatives of the cities, in opposition to the aristocracy. The two cases of France and Germany were accordingly reversed in regard to the power of the crown, the sovereign being in the former too powerful to need the policy of combining the inferior nobles with the representatives of cities, and in the latter too feeble to carry such a policy into execution. Those of Germany and Italy were reversed in regard to the relative power of the nobles and of the cities, the early prosperity of the cities of Italy, which had preceded in com-

mercial industry those of the more western countries of Europe, having enabled them to overcome both the princes and nobles, and to establish republican governments. Lastly, in Spain the representatives of the cities appear to have been introduced into the cortes, or public councils of the several kingdoms, (*h*) so early as in the latter part of the twelfth century; but in none of these kingdoms were the lesser proprietors represented by delegated members, notwithstanding that in the kingdom of Aragon the nobility were distinguished into two orders. The situation of this country corresponded to that of Germany in respect to the weakness of the sovereign, but it differed from it in this other respect, that the cities, which had been aggrandized by the industry and commercial spirit of the Moors, were able to rival the nobility. In such a state of things the sovereign was too weak to attempt any artificial balance of the legislature; nor indeed was such an interposition necessary, as the cities and the nobles were opposed to each other with forces sufficiently equal, and (*i*) when the former began to attack the privileges of the latter, the royal authority was established upon the ruin of both.

This review of the various results, which occurred among other nations of Europe, circumstanced in many respects as the people of England, illustrates the peculiarity of that mutual

adjustment of powers, which generated the house of commons of England. Not to speak of Italy, which possessed the smallest resemblance, if the royal authority had been more firmly established, as in France, no motive could have existed for urging the attendance of the representatives of the lesser barons, to form a balance to that of the aristocracy; if the authority of the crown had been as feeble as in Germany or Spain, such a measure could not present a hope of producing a sufficient effect; and if the boroughs had attained to much greater political importance, as in the latter of these two countries, they would naturally have been disposed to engage in a struggle with the nobles, and a despotic government would probably have been erected on their common ruin. But in England, which through the whole series of its interesting history appears to have been favoured as the chosen scene of political improvement, the royal power was sufficiently strong to avail itself of the support of the lesser proprietors, and yet was not so strong as to be able to maintain itself without that assistance; while the boroughs, just rising into importance as the progressive division of the great properties of the kingdom had formed a numerous class of lesser proprietors, naturally coalesced with this lower order of the vassals of the crown, which like themselves could appear but by re-

presentation, and with them gradually constituted one important member of the legislature.

These remarks have been taken from the work of a very eminent professor, who seems to have delighted in generalizing the operation of political causes; and they give a very just representation of the circumstances of England, in relation to the great change which was at this time effected in the government. But it may be questioned, whether these circumstances could of themselves have effected the change which they were so well fitted to favour; especially as the original impulse appears to have been actually given by a cause entirely distinct from them, and wholly peculiar to the government of England. In the great charter, though no mention occurs of representative members of the parliament, the great barons stipulated with the crown for the attendance of the lesser, requiring that the latter should be duly summoned, though by a general notice. In this case then it appears, that the attendance of the lesser barons was urged by the aristocracy, and not by the crown, though the crown soon afterwards discovered the advantage which it received from the presence of the former. Some distinct cause must therefore have operated to excite the more considerable vassals to require a numerous attendance of their less wealthy brethren. This cause appears to have been the

practice of requiring a scutage instead of military service, which had been introduced by Henry II. If the vassals of the crown had continued to be subject to the duty of personal attendance in the field, and no other pecuniary aids had been required of them than the ordinary contributions of a feudal government, they would not have been excited to an anxious attendance of the great councils by the desire of guarding their properties from an oppressive taxation. The general administration of the government was not in that period the object of parliamentary solicitude; and the only measure, which could generally affect the interests of individuals, was the regulation of a system of finance. In the assessment of scutages too there were difficulties, which required the interposition of a parliament; * the neglect of the feudal principles had given occasion to various artifices, by which the number of knights-fees was very considerably diminished, and the pecuniary commutation of military service was reduced almost to nothing. In the reign † of Henry III. accordingly the expenses of the government were defrayed partly by taxes on moveables, and in that of Edward I. the practice of requiring scutages was wholly disused. As the new method of providing supplies gra-

* Hume's Hist. of England, vol. 2. p. 277, 283.

† Ibid. p. 339.

dually prevailed, a popular representation became more and more necessary for giving it authority; the lesser barons were accordingly first required to send their representatives to the parliament, and then the inhabitants of the boroughs; and the component parts of a future house of commons were thus successively prepared and brought together, to be formed into a distinct assembly by their own encreasing importance.

Among the causes of the improvement of the English government another peculiarity has been noticed by Bishop Ellys, * the extraordinary harmony which prevailed between the nobles and the commons. In the other nations of Europe he has shown, by a distinct examination of their several revolutions, the dissension of the two orders to have been the chief cause of the destruction of liberty. The commons of England on the other hand, he remarks, had from the earliest times more political importance than those of other countries; nor were they originally separated by any insuperable barrier from the order of the nobles, since by the acquisition of a certain property a commoner became entitled to rank as a thane: the two orders were therefore by their ancient arrangement accustomed to regard their in-

* Tracts on the Liberty Spiritual and Temporal of the Subjects in England, part 2. tract 3.

terests as connected together, and when it became necessary to struggle with the royal power, were careful to afford a mutual support. Nothing in the great charter is accordingly so characteristic of the English people, as that it stipulates for the protection of every class of the community. This kindly influence of political sympathy, though it did not wholly suppress the contending jealousies of the two orders of the state, yet moderated them in such a manner, that through many centuries they continued to act together without any violent collision; nor did such a collision at all occur, until the great revolution of religion in the sixteenth century had introduced a new principle of political action.

The distinction between the greater and the lesser proprietors, which was so important to the formation of the house of commons, * had first appeared towards the conclusion of the Saxon government, the former being distinguished by the title of *proceres* or chief nobles; and in the reign of Edward the Confessor an estate of forty hides of land was determined to be the qualification necessary for this class. The Norman conquest however almost annihilated the inferior order of the proprietors, the proper-

* Hist. View of the Engl. Government, vol. 2. p. 194—196.

ty of the kingdom being parcelled among a small number of powerful barons, to whom the remaining proprietors were subjected in a feudal vassalage. But various causes seem to have operated powerfully to revive the distinction. The frequent disorders, by which England was agitated after the conquest, must have occasioned considerable forfeitures of baronial property, and thus have often afforded the crown an opportunity of substituting a number of petty proprietors in the place of one formidable vassal: the epidemic frenzy of the crusades induced many persons to sell, or mortgage their possessions, that they might be enabled to engage in those expensive enterprises: notwithstanding the general acknowledgment of the right of primogeniture, the course of legal succession contributed also to the production of the same effect, since a division of property must frequently have occurred among female inheritors: and, probably more than all these, the encreasing habits of expense may have disposed many of the barons to involve themselves in debts, and obliged them to satisfy their creditors by a dissipation of their estates. Whatever may have been the causes, the nobles in the reign of Edward I. had become alarmed, lest all the great families should be ruined, and extorted from that prince (*k*) a remarkable statute,

by which they were allowed to entail their estates upon their posterities.

The distinction between the greater and the lesser barons first occurs * in the trial of Becket, at the great council of Northampton, though without any mention of a difference in the mode in which they were summoned to the meeting. The first mention of any distinction in this respect is found in the great charter, in which John declared that he would summon the greater barons by particular writs, and the others generally by the sheriffs and bailiffs. This clause however does not speak of attendance by representation, and it seems therefore to have been intended only, that a sufficient notice should be given to all the less considerable nobles. But whatever may have been the intention, the regulation probably contributed to occasion that mode of attendance. When a distinct kind of citation had separated the lesser from the greater barons, it was natural that the former should adopt a different mode of attending, which would lessen the inconvenience of a duty (*l*) already felt to be burthensome. With this original body of representatives were first combined the representatives of the boroughs, and afterwards, by extending the right of representation beyond the immediate

* Ellys's Tracts, part 2. p. 199. Lond. 1765.

vassals of the crown, the remainder of the inferior proprietors was comprehended in the constitution of the parliament. The system of representative attendance was however established but by degrees, the lesser barons sometimes attending in person even after it had been begun, until (*m*) Henry III, after the decisive battle of Evesham, procured a law to be enacted, which prohibited the attendance of every baron not particularly summoned. This law, while it ascertained the representative part of the parliament, provided the constitutional method of adding new members to the order of hereditary legislators; nor could a better expedient have been devised for securing to the lords their due proportion of the property of the country, and consequently for preserving to them their due influence in the government.

The time when the elective franchise was extended from the lesser barons to the rear-vassals, or to those who held lands of the nobility, (*n*) has not been noticed by the ancient historians, though it was a change which converted a merely feudal parliament into a legislature comprehending a direct representation of the whole of the inferior proprietors. * The distinction made between the greater and lesser barons, by the substitution of representatives

* Hist. View of the Engl. Government, vol. 2. p. 245—247.

for the latter, would indeed tend to lessen the distinction between these and the vassals of the former; and the exigencies of the sovereign would also dispose him to assimilate their situations yet more, by extending the public assessments to all the proprietors of land: but since in Scotland none have ever been permitted to vote at the elections of the representatives of counties except the immediate tenants of the crown, it seems necessary to look for some circumstances peculiar to the English government, which may have determined an alteration, that rendered the political constitution of the one part of Great Britain so much more perfect than that of the other. The principal cause of this diversity was probably the wider diffusion of property in the larger and more opulent country. As the great object of the system of representation was to procure a sufficient consent for the public supplies, and considerable properties were held by many of the vassals of the nobles, it was unavoidable that these should be invited to participate in the elections of the deputies, by whom the public contributions were to be regulated. But the operation of this cause was probably much assisted by the influence of a remnant of the Saxon policy. The county-courts, (o) says Hume, retained from the Saxon times, while they supported the ascendancy of the royal authority, maintained a kind

of political community among the various classes of feudal proprietors, and frequently drew them out of the insulated associations of the feudal system. When therefore the lower classes began again to feel some degree of political importance, and the change of their condition was gradually introducing changes into the form of the national councils, this remnant of the Saxon government, which the great power of the Norman princes had enabled them to preserve, as auxiliary to their own paramount authority, would naturally promote that extension of the elective franchise, which so advantageously enlarged the basis of the legislature.

If from the consideration of those general causes, which by a natural and gradual operation disposed the English government to assume an arrangement more favourable to the public liberty, we now turn to that of the personal characters of the two princes, who reigned during this important period, and of the contingent circumstances, amidst which their characters were displayed, we shall discover, as in the two immediately preceding periods of the history of our constitution, a manifest co-operation to the production of a common result.

The period reviewed in the present lecture comprises the reigns of Henry III. and Edward I, of whom the former appears to have been the first, who introduced the representation of

counties, and the latter to have been, with the exception of the irregular attempt of the earl of Leicester, the first who summoned to the parliament the deputies of boroughs. Thus these two princes performed each one part of the same great work, which gave existence to the representative portion of the legislature, each introducing one of the two classes of members, of which it was composed. And yet in the whole series of the English history it would be difficult to discover two princes more directly and strikingly contrasted. Henry, incapable of conducting the government, became unavoidably the slave of each successive favourite, and an oppressor through the very imbecillity of his nature; and Edward, politic and vigorous, but too desirous of power to regard much the rights of his subjects, was a patriotic sovereign because he had wisdom enough to see, that the people had learned to consider themselves with respect, and because his foreign enterprises could be prosecuted only with their assistance. But, contrasted as they were, it will be found that their characters, each in its own turn and order, were most conducive to the improvement of the liberty of England; the weakness of Henry provoking that continued resistance, by which the great charter was effectually secured and established, and the vigorous policy of Edward completing a system of freedom, which

had become necessary to the efforts of his own ambition.

Had the reigns of these two princes been transposed, how different might have been the result! (*p*) If Henry had possessed the ability of his son Edward, it is not improbable that, in so long a reign, the charter obtained at Runnemede might have become entirely obselete. Scarcely had that charter been conceded, when it was annulled by the pope, and the people, driven to despair, invited the son of the king of France to take possession of the throne. Whether the people had been successful or had failed in this violent measure, their liberty would probably have been equally destroyed; but the critically fortunate death of John opened their eyes to the dangers of their enterprise, and they eagerly attached themselves to the child, who succeeded to his rights. In the moment of returning loyalty the protector Pembroke found it easy to secure their allegiance by a charter essentially different from that of John, * that important clause in particular being omitted, which stipulated that the public supplies should be regulated by the great council; and if the advantage thus gained to the crown had been maintained and improved through a long reign by the ability of Edward, the encroachments of

* Hume's Hist. of England, vol. 2. p. 152.

prerogative would have been strengthened by a continued prescription, and instead of hazarding a conjecture on the probable consequences of such a change of circumstances, we might now be employed in regretting the fatality, by which English liberty had been stifled in its birth. But the great arbiter of human affairs disposed the succession in a different and more auspicious order. Edward did not ascend the throne until the charter had been repeatedly confirmed, after several unsuccessful attempts to effect its abrogation; and he had himself an opportunity of seeing before his accession how deeply it was imprinted in the hearts of the nation. That this preparation was most important to the security of freedom will be perceived, when it shall have been considered, that the aversion with which he regarded the charter was notwithstanding frequently apparent, and that, though he confirmed it, and even restored the clause which had been suppressed by Earl Pembroke, he was yet by no means scrupulous in adhering to its stipulations.

Fortunately too for the government, the weakness of Henry was not permitted to produce its effects in the very commencement of his reign, when the distractions with which that of John had terminated, had reduced it almost to dissolution. As Henry was but nine years old at the time of his accession, the direction of

affairs was necessarily entrusted to a regent; and it happened that the earl of Pembroke, a man distinguished by his virtue and ability, was then in such a station, as mareschal of England, that he became naturally the depositary of the royal power. The earl however lived but to restore the public tranquillity, and then left the kingdom to those renewed contentions, which favoured the introduction of the representatives of the people.

After twelve years of discontent and turbulence, in which the barons had induced the feeble monarch to dismiss an able and patriotic minister, Hubert de Burgh, the reins of government (*q*) were held by the bishop of Winchester, a Poictevin by birth, and the same man whose illegal administration had been a cause of that combination of the barons, which extorted from the crown the great charter of English liberty. This man was every way fitted to provoke the struggles, by which the remainder of the reign of Henry was so much agitated; his arbitrary maxims irritated the people, and his attachment to foreigners, great numbers of whom he brought into the service of the king, as more faithful agents of arbitrary power, still more exasperated their resentment. This violent administration was indeed soon brought to a period; but the attachment to foreigners, which the king had learned from the

bishop, continued to insult the feelings of the English. The marriage of Henry with the daughter of the count of Provence gave occasion to the arrival of a considerable number of strangers of that country, on whom the treasures of the crown were prodigally bestowed; and these were followed by a new set of strangers from Gascony, in which country his mother had been married to a second husband.

Nor were the foreign interests of this reign less auspicious to the cause of liberty than these domestic incidents. The feeble and unsuccessful exertions, which the king made in the beginning of his reign for the protection or augmentation of his continental dominions, exposed his weakness, and added to his pecuniary embarrassments; (*r*) the oppressive exactions of the court of Rome, by which it endeavoured to render productive the supremacy which it had obtained, impoverished and incensed the nation; and the extortions practised by that court under the pretence of the chimerical project (*s*) of the conquest of Naples, completed the disgrace of Henry, and the indignation of his people. But among the foreign circumstances, which favoured the improvement of the English government, it must be particularly noticed, that when England was distracted by the usurpation of the earl of Leicester, France was governed by Lewis IX, a most extraordinary character in

the roll of princes, who, instead of taking advantage of the disturbances of the neighbouring country, agreeably to the ordinary notions of political wisdom, laboured with the most disinterested benevolence (*t*) to reconcile the claims of the contending parties.

The struggle between Henry and his barons began in the year 1244, or in the twenty-eighth year of his reign, to approach towards its crisis, these having * in that year formed a scheme for depriving the king of the management of affairs, and entrusting it to four of their own order chosen by themselves. This plan was frustrated by the sudden dissolution of the parliament: it was however matured by the earl of Leicester in the year 1258, when (*u*) the parliament committed to the earl and twenty-three other barons an unlimited power of reforming the government. After the battle of Lewes the earl proceeded yet farther in his usurpation, † the administration being granted to himself and two others, one of whom, the bishop of Chichester, was wholly subject to his control. The year 1254 has been marked as that in which the first mention is found of the representatives of counties. Their introduction seems manifestly to have been the result of this

* Henry's Hist. of Great Britain, vol. 7. p. 16. † Ibid. p. 41.

struggle between Henry and his barons; but it has not been noticed whether they were summoned as auxiliaries to the crown or to the aristocracy: possibly in their original attendance they were called to recruit the party of the nobles, though (*v*) it was not long before they were found to be useful in balancing their power.

In the contention of the king and the nobles the two parties were supported by their respective allies, besides the strength which they possessed among their domestic adherents. The king indeed had little domestic strength, until he acquired it from the misconduct of his antagonist; but in the mean time he was assisted by the papal authority, which was vigorously exerted in his favour. The other party, however, though opposed by the papacy, was not at variance with the ecclesiastics of England, but on the contrary received from them the most strenuous support; and it is observable, that in this contest, in which was made the first direct appeal to the commons, was also commenced (*w*) the separation of the ecclesiastical establishment from the see of Rome. The Roman pontiff had become dissatisfied with the barons, who to gain the favour of the people and clergy of England had expelled all the Italian ecclesiastics, and seemed determined to maintain the liberties of the English church; he

therefore gave his protection to the sovereign, that he might restrain the inconvenient spirit of independence, which had arisen among the people; and * he even refused his assent to constitutions similar to those pretensions for which Becket had contended, lest he should thereby aggrandize a church, of which he was beginning to be jealous. The earl of Leicester, on the other hand, possessed an hereditary claim to the attachment of the clergy, † being a son of that Simon de Montfort, who had conducted a crusade against the heretics of the south of France; and so successfully did he assume and maintain the appearance of devotion, that though he had been excommunicated by the pope, he was after his death believed to be a saint, and many miracles were said to be wrought at his tomb. But this was a part of his domestic strength, and he also had, like the king, a foreign ally. ‡ Lewellyn prince of Wales, anxious to deliver his country from the ambiguous dependence, in which it was held by the English government, and therefore well pleased to inflame the civil dissensions by which that government was weakened, entered into a confederacy with the earl of Leicester, and invaded England with an army of thirty thousand

* Hume's Hist. of England, vol. 2. p. 201. † Ibid. p. 188. ‡ Ibid. p. 205, 206.

men. The appearance of this important aid was the appointed signal of the insurrection of the barons.

Though the conduct of the twenty-four barons, which was manifestly directed to the establishment of their own power on the ruins of royalty, had transferred to Henry much of the favour of the people, he was still unable to cope with the party of the earl of Leicester, strengthened by the forces of Wales. The king, after some vain attempt to negotiate, was indeed compelled to take the field; but the battle of Lewes, fought in the year 1264, placed him at the mercy of his antagonist. This success however, as it gave occasion to even greater excesses of usurpation, served to dispose the people yet more to return to their former loyalty; and the earl, becoming alarmed at the encreasing alienation of the public affections, judged it necessary to conciliate popularity, by convening an assembly of a more popular description, than had yet been thought necessary to the government of the country. Accordingly, in the following year, * every shire was ordered to send two knights, every city two citizens, and every borough two burgesses, to represent them in the parliament. This was the first occasion on which representatives of cities and boroughs

* Parliamentary History, vol. 1. p. 71.

were introduced into the public councils; and but that the instance must be rejected on account of the irregularity of the power of the earl of Leicester, this should be the epoch of the entire formation of the representative part of the parliament. The precedent indeed was not immediately adopted. Within a few months the earl perished at the battle of Evesham; the royalists became from that time decidedly superior to their adversaries; and nothing remained of the usurpation except its influence on the memories of the two parties. That influence however appears to have been very beneficial. The adversaries of the crown had been taught to dread the excesses of popular innovation; and the king and his son Prince Edward, * sensible that the barons of their own party were not less jealous of their independence than their antagonists, perceived the necessity of administering the government with a more scrupulous attention to the rights of the people.

Henry held the government seven years after the battle of Evesham, and was then succeeded by his son Edward, who had already established himself in the confidence of the people by a display of vigour united with moderation. The reign of the new sovereign, though of a character extremely different from that of his

* Hume's Hist. of England, vol. 2. p. 228.

predecessor, was in its turn, as has been already intimated, most favourable to the temperate progress of that spirit of freedom, which had been so much encouraged by the weakness of Henry. While his great qualities imposed a salutary restraint on the ambition of the barons, his enterprising disposition, by engaging him in difficult pursuits of conquest, obliged him to make concessions to the constitutional claims of his subjects; and such was the respect commanded by the general dignity of his character, that he could yield to those claims without impairing his own estimation, or the majesty of the crown. The wishes of the people were gratified, not by the weakness, but by the ambition of the sovereign. Foreign conquest had captivated his mind, and he was content to concede domestic liberty as the price of his success.

The first of the enterprises of Edward was the reduction of the principality of Wales. That territory had borne the same relation to the earlier commotions of the English government, which Scotland afterwards bore to those of a later period; and as its utility in this respect ceased with the agitations of the English government, it was perfectly natural that the settlement of these agitations should react upon the country which had been so instrumental in maintaining them, and reduce it to an unequi-

vocal dependence. Edward accordingly invaded Wales about four years after his accession, when * the same intestine divisions, which had before enfeebled England, were destroying the power of the principality, and even distracting the family of the prince. The prudence of Edward gained a speedy and bloodless victory over Lewellyn by the sure operation of famine; the submission of the Welsh was followed by the oppressions of the English, and by an insurrection of the vanquished people; and (*x*) a complete and final conquest was effected at the close of the year 1282. It was on occasion of this conquest, that Edward in the following year first assembled (*y*) a parliament, agreeably to the model which had been devised by the earl of Leicester, but which appears to have been afterwards neglected. The year 1283 should therefore be considered as the epoch of the regular completion of the representative part of our constitution; though (*z*) the representatives of cities and boroughs were not again summoned to parliament, until the year 1295, when Edward, already engaged in a French war, was apprehensive of a Scotch invasion, and actually embarrassed by a Welsh rebellion.

Though this prince was, in the former in-

* Hume's Hist. of England, vol. 2. p. 250.

stance, desirous of procuring the assistance of the whole body of the commons for defraying the expenses of the war, as well as * for authorizing the execution of the Welsh chieftain, he was not then sufficiently dependent on them to be induced to shackle his own power by restoring to the people their control over the public expenditure. To this he could be compelled only by the pressure of some very urgent difficulties; and if the peace which succeeded the conquest of Wales, had continued to the termination of his reign, he would probably never have given to the people that confirmation of the great charter in its original form, which secured to them their most valuable right, and rendered the popular construction of the parliament important to the public liberty. His ambition however, tempted by that which appeared a most favourable opportunity, provided in due time the embarrassments, which constrained him to establish this great principle of the constitution.

In the year 1290 he was induced to conceive the first scheme of an union of the two crowns of England and Scotland, that of the latter kingdom having devolved to an infant female, and he accordingly negotiated a treaty of marriage for his son. This project was indeed

* Parliamentary Hist. vol. 1. p. 87.

speedily defeated by the death of the young queen; but it served to inflame that avidity, which had seemed to be so near to its gratification. The distractions which followed in Scotland, appeared to present another opportunity of attaining the same object, though in a different manner. Having been chosen arbitrator of the claims of the candidates, who aspired to the vacant throne, he began with obliging them to acknowledge his (*aa*) feudal superiority; he then adjudged the succession to Baliol, whom he thought he could render most subservient to his purpose; and finally, in the year 1296, he engaged in direct hostilities for his own aggrandizement. * An accidental quarrel among sailors having about this time grown into a war between England and France, an alliance was formed between the latter country and Scotland, and Edward found himself engaged in a struggle with a powerful confederacy.

It had been admitted by John at Runnemede, that no tax, except in certain feudal cases, should be levied without the consent of the great council of the nation; the stipulation was at the accession of Henry III. reserved for consideration, and then entirely omitted; but it was at this time formally (*bb*) ratified by Edward, with the exception only of such taxes as had become

* Hume's Hist. of England, vol. 2 p. 271.

customary. The war with the two combined nations having been begun in the year 1296, the great charter was in this completed form confirmed in the year 1297, and afterwards in the years 1299, 1300, and 1301, * new devices being employed on each successive occasion for rendering it more public and more sacred.

Though the Scotch, like the Welsh war, was favourable to the developement of the English constitution, its immediate consequence was very different from that of the other enterprise, Wales having been effectually reduced to obedience, whereas the war of Scotland was the origin of a lasting alienation. † Before the ambitious project of this prince the greatest harmony had subsisted between the two kingdoms. Alexander II. of Scotland had, in the year 1221, espoused a sister of Henry III. of England, and his son and successor Alexander III. married also in the year 1251 a daughter of the same prince: in consequence of these alliances a very friendly intercourse prevailed between the two courts; the Scottish monarchs visited England, and ‡ a considerable body of Scottish troops supported Henry against the barons in the unfortunate battle of Lewes. This harmony was at length interrupted by the ambi-

* Henry's Hist. of Great Britain, vol. 8. p. 123. † Ibid. vol. 7. p. 76. ‡ Ibid. p. 64.

tion of Edward, which a favourable opportunity had tempted. The death of Alexander III, which occurred in the year 1286, bequeathed the kingdom to his infant-grand-daughter; and her death, which followed in the year 1290, while it frustrated a scheme of acquiring the crown of Scotland for the son of Edward by a matrimonial alliance, abandoned it to the pretensions of various competitors. These submitted the determination of their claims to the English monarch; and if he had acted with the fairness, which (*cc*) seems to have been expected, a powerful English interest might then have been established in Scotland, the amicable intercourse of the two governments might gradually have been improved into an intimate connection of the nations, and some fortunate occasion might soon have given being to such an union, as had been prevented by the untimely death of the young queen. But the eager and violent ambition of Edward converted all the advantages of such an opportunity into alienation, resentment, and hatred, and threw off for three centuries from the English connection a country, which had recently consented to be governed with it by a common sovereign. It is a curious and interesting spectacle, which thus exhibits one of the two adjacent territories of Britain alienated from the English government by the same prince, who had just before

completed the reduction of the other, presenting to us the same individual terminating the combinations which arose from the independence of Wales, and giving a commencement to those which were afterwards to arise out of that of Scotland. The great arbiter of human affairs seems to show himself to our eyes proceeding gradually to the accomplishment of his purposes, and directing his unconscious instruments to the most various operations.

It has been shown that, while Wales supported the English barons, the papal authority afforded its protection to the sovereign; and that the latter power exercised an extraordinary influence in the reign of John. When these struggles had been concluded, the beneficial operation of the papal power could consist only in creating a tendency towards a religious reformation: this effect was indeed already in some degree produced, as the excessive exactions of the court of Rome had alienated from its interest the clergy of the kingdom. The political circumstances of the country at the same time imposed restraints on the riches and independence of the national clergy. For maintaining the number of knights-fees, and preserving to superiors the profits of the feudal tenures, it was found necessary, (*dd*) even in the ninth year of Henry III, to issue an ordinance of mortmain, or one forbidding the acquisition

of lands to a body, by which they could not be afterwards alienated. This first ordinance, which was confined to religious houses, was extended to the secular clergy by a statute enacted in the seventh year of Edward I. The latter prince also contrived means to force the clergy to furnish the supplies which he required, employing for this purpose an expedient even more violent than that, which had been before employed by Philip Augustus of France; the clergy * were in this instance formally excluded from the protection of the government, which they refused to support. By this decisive conduct he not only overcame the resistance of the clergy, but also at the same time taught the people, who were his instruments, to renounce their excessive reverence for those, by whom they had so long been guided. In this manner we observe the same monarch giving a beginning to the temporal and the spiritual liberty of the people of England, while he was anxious only to procure resources for the gratification of his ambition. Both beginnings indeed were humble, and far removed from the greatness of the changes to which they led the way. Though a complete representation of the commons was formed by Edward, (*ee*) it did not then constitute a distinct assembly, nor does

* Hume's Hist. of England, vol. 2. p. 300.

any * mention of a speaker, expressly so named, occur before the year 1377, or the fifty-first year of the reign of Edward III: and about the same period of time intervened before the abuses of the church of Rome were exposed by an English preacher, since Wickliffe † in the year 1360 began those animadversions on the superstitions of the friars, from which he afterwards proceeded to condemn the corruptions of the papacy, and even the main and fundamental doctrine of transubstantiation.

In a review of the reign of Edward I. it should by no means be omitted, that the legislative improvements of the government (*ff*) have procured for him from Lord Coke, the honourable appellation of the English Justinian. He was not indeed disposed to give much attention to the liberties of his people, and required to be constrained by the necessity of conciliating their support; but he was well inclined to maintain among them the equal administration of justice, and careful to establish the regulations, by which it might be most effectually secured. Sir Matthew Hale has accordingly borne the strongest testimony to the merits of this part of his government. The laws of England (*gg*) says he, did never in any one age receive so great and sudden an advancement; nor have all the ages since his time done so much for the

* Parliamentary Hist. vol. 1. p. 329. † Lewis's Life of Wickliffe, p. 5. Lond. 1720.

due establishment of the distributive justice of the kingdom, as was effected within the period of his reign: and he regards the state, in which this prince left the law, as the standard from which a just opinion might best be formed of its true nature and character.

The two reigns which have been now reviewed, attract attention chiefly as they constitute the period, in which the representative part of the legislature was introduced into the constitution: but it may be useful to reflect, that they also form the epoch of the modern system of taxation, as well as of that of liberty; and that the contributions and the rights of the people have been coeval and connected. Before the reign of Henry III. the resources of the government had consisted in the crown-lands, and in scutages and other aids, * which were collected in an arbitrary manner. At the conclusion of that of John, the great charter indeed ordained, that all scutages and other aids, except in certain feudal cases, should be levied by the great council; but so little was this regulation consonant to the practice of the government, that even the earl of Pembroke suppressed the clause in the confirmation of the charter, granted at the accession of Henry; nor was it restored until within ten years of the conclusion

* Parliamentary Hist. vol. 1. p. 35.

of that of his successor. Though the barons in the reign of John had felt and proclaimed the grievance, two reigns were still necessary for providing the remedy by a permanent and operative enactment. To furnish this remedy (*hh*) the wasteful profusion of Henry and (*ii*) the enterprising and splendid policy of Edward equally contributed. Both princes, though by very opposite causes, were driven to the people for the relief of their necessities; and therefore both found themselves compelled to give importance to the public councils, and to reinforce them with the representatives of the inferior orders of society. It seems indeed as if the interchange of taxation for political rights were the salutary circulation of power through the organs of the constitution. Property is power, by whomsoever it is held. If the government possess adequate resources independent of popular contribution, it is necessarily despotic; if it be supported by taxation, the people must be free, unless the constitution should have provided no organ, through which the circulation of power might be regularly performed. The former government of France depended on taxation, and was not free; but it was because the constitution was defective, and even obstructed the circulation by the privileges of the nobility; and for the same reason its embarrassments terminated in revolution. In

the English government, the substitution of scutages for military service had destroyed the exemption of the nobles; taxation therefore extended itself generally through all the orders of the community; and all found themselves united in one common interest of the public welfare.

(*a*) It has been alleged, that the great charter regarded the interests of freemen as alone deserving of protection, and that slaves, who were still very numerous, were considered merely as a property; the fourth article enjoining that guardians should not *make destruction or waste of men or goods* on the lands of their wards. But by the twentieth article it was provided even for *villains*, that they should not be excessively amerced, and that their fines should be determined by reputable persons of the neighbourhood, sworn to do justice.

(*b*) In the year 1355, or one hundred and forty years after the great charter of England, the states of France, being convened by the king, to enable him to resist the English, availed themselves of the opportunity for procuring his assent to an ordinance for the reformation of the government. The plan of reformation consisted of twenty-four articles. Of these four related to the state of the coinage; three to seizures of provisions and other things, ana-

logous to the claim of purveyance in the English government; eight to the administration of justice; six to the regulation of the troops; one to the right of the states to determine the public assessments; one to the limitation of warrens; and one forbad the officers of the royal houshold, or of judicature, or even the officers of the lords, to be concerned in commerce. But in these articles we discover no anxious attention to the distinct rights of the various classes of society. It is not stipulated, as in the English charter, that the barons should allow their vassals the same privileges which were allowed to themselves by the sovereign; no provision is made for the privileges of cities and boroughs; no encouragement is given to traders; no direct protection to the lower orders of freemen and to peasants: and though numerous regulations are made in regard to the administration of justice, yet we do not any where find the important principle, that every man should be tried by his peers. In the following year the states were convened by the dauphin, the king having been taken prisoner by the enemy; and in the year 1357 another ordinance was prepared for reforming the abuses of the government. This consisted of forty-seven articles; but, though so much more detailed than the former, it is not more explicit in the recognition of general rights. Imperfect

as it was, it was never executed. The dauphin contrived means to conciliate the nobles, and to alarm the jealousy of the cities; all regard for the public good was equally forgotten by both parties in their mutual animosity; and this very crisis became, according to the observation of Mezeray, the epoch of the despotic power of the sovereign. Hist. of the Anc. Parliaments of France by Boulainvilliers, vol. 2. letter 9.

(*c*) The history of this controversy is thus briefly stated in the preface to Tyrrell's Bibliotheca Politica, Lond. 1718. p. viii. "The first who raised the doubt, for aught I can find, was Polydore Virgil, an Italian, who wrote the history of England in the sixteenth century; and it hath been continued by some antiquaries since that time: though the first who undertook to prove the contrary, was the author of a treatise published by James Howel in the Cottoni Posthuma, under the name of Sir Robert Cotton, about 1654. And after him this notion of the bishops, lords, and other tenants *in capite*, being the sole representative for the whole nation in those councils, was next printed in the second part of Sir Henry Spelman's Glossary, tit. *Parliamentum;* where King John's charter is brought as the main argument to prove that assertion. The next who appeared in print on this subject was Sir William Dugdale in his

Origines Juridiciales; who, though he transcribed the same notion and argument from Spelman's Glossary, yet he allows our commons to have been always some way represented in parliament, though not by members of their own choosing: notwithstanding which, he agrees with the author of the passage in the Glossary, that the commons first began by rebellion in the forty-ninth of Henry III. Which opinions being looked upon, not only as novel and erroneous, but dangerous to the fundamental rights and liberties of the people of this nation, they were opposed by William Petit, Esq. in his treatise entitled The Rights of the Commons of England Asserted, &c. He was seconded by the author of the treatise called Jani Anglorum Facies Nova. Soon after both those books were animadverted on by Doctor Brady, in two editions of his answers to them; but the rights of the commons were again vindicated by the author of Jani Anglorum, &c. in another treatise entitled Jus Anglorum ab Antiquo, which has not yet been answered."

(*d*) Doctor Gillies has maintained this opinion in his Translation of the Ethics and Politics of Aristotle, vol. 2. p. 64. But he appears to have overlooked the distinction between persons invested with magistracies and the representative members of a public council. Aristotle speaks of meetings of magistrates as of commit-

tees acting under the control of general assemblies. Polit. lib. 4. cap. 14. lib. 6. cap. 4.

(*e*) This appellation began to be given to the great council about the year 1222. Hume's Hist. of England, vol. 2. p. 161.

(*f*) In Denmark and Sweden indeed the citizens and peasants were represented in the public councils very early, and perhaps from the beginning of those kingdoms. Bishop Ellys has given the following passage of Eric Upsal, lib. vi. Hist. Suecan p. 327. tempore præfato accedunt ad comitia Stockholmiensia episcopi, prælati, milites, liberti: i. e. equestris et nobilium ordo, et rusticorum et civitatum nuncii speciales. Tracts, part 2. tract 3. But this representation did not comprehend the lesser nobles.

(*g*) It has been remarked by Pfeffel, that the annihilation of the imperial authority in the thirteenth century was necessarily followed by the ruin of the independence of the untitled nobles, insomuch that *quicquid est in territorio, etiam est de territorio*, became an established maxim of the law of Germany. Hist. d'Allemagne, tome 1. p. 398, 402, 403. Paris 1776. A distinction of classes was indeed afterwards introduced among the higher nobles, and the less considerable voted, like the cities, collectively by classes or benches; but the proportion of these collective votes was very inconsiderable, only four being allowed to the nobles, and two

to the cities, while about one hundred and thirty princes and prelates enjoyed the right of voting individually. Dillon's political Survey of the Empire, p. 44. Lond. 1782. Pfeffel, tome 2. p. 100.

(*h*) The earliest mention of the commons is in the General Chronicle of Spain, which records, that the citizens, and all the municipalities of the kingdom of Castile, assisted at the cortes of 1169—nearly a century before Leicester's parliament, and forty-six years before Magna Charta. In the cortes of 1188, the representatives of forty-eight cities and towns were present.—The epoch of the introduction of the commons is also signalized as being the period when, the crown having been rendered hereditary, Leon united with Castile, and Toledo gained from the Moors, the nation became fixed in its institutions, and uniformly superior in its contest for the possession of the peninsula. Observations on Teoria de las Cortes &c. por Don F. Martinez Marina, in the Edinburgh-Review for Sept. 1814.

(*i*) A confederacy of the cities of Castile was formed in the year 1522, under the name of the Holy Junta: it was first formed in opposition to the crown, but proceeded to demand the suppression of various privileges of the nobles: the two parties encountered each other in the field, the forces of the Junta were finally de-

feated, and the cortes, though they continued to meet, lost all their authority. Robertson's Hist. of Charles V. book 3.

(*k*) The thirteenth of Edward I. "The perpetuities established by this statute," says Judge Barrington, "in process of time had so much contributed to the encrease of power in the barons, that, about two centuries afterwards, it was in a great measure evaded, by the invention of what is called *a common recovery*: it was impossible for the crown to procure a repeal of this law in the house of lords, and therefore the judges had probably an intimation, that they must by *astutia*, as it is called, render a statute of no effect which the king could not extort an alteration of, from one part of the legislature." Observ. on the more ancient Statutes, p. 131. As the aristocracy of the English government prevailed only until the commons had begun to acquire importance, or rather declined a little before that time, the temporary support which it received from this statute, seems to have been necessary for the preservation of a due resistance of the power of the crown. Without it the royal power might have been too firmly established, to have been afterwards restrained by the efforts of the commons.

It is remarkable that, by the statute Quia Emptores, the parliament, five years afterwards,

provided for the free alienation of property held under the lords. 'This, says Judge Barrington, may be not improperly styled the first statute of alienation. Ibid. p. 167.

(*l*) It appears by the return of the sheriff to the writs of summons, that he took security for the attendance of the persons elected.

(*m*) Camden gives this statement from an ancient manuscript now lost. Hume's Hist. vol. 2. p. 280. The title of baron, which was before common to all those who held lands of the crown, was in the reign of Edward I. confined to those whom the king summoned to the parliament. Parliamentary Hist. vol. 1. p. 6.

(*n*) Hume has concluded that it was the result of an act of parliament passed in the reign of Henry IV; but Professor Millar of Glasgow has remarked, that this statute supposes the practice to have already prevailed, and only regulates the elections. Hist. View of the Eng. Gov. vol. 2. p. 248.

(*o*) Hist. of England, vol. 2. p. 127. note; "and perhaps," he adds, "this institution of county-courts in England has had greater effect on the government, than has yet been distinctly pointed out by historians, or traced by antiquaries." The observation in the text may be considered as exemplifying this remark.

(*p*) For these observations on the influence of the character of Henry III. the author is indebted

to the lectures of the late Doctor Dabzac, formerly professor of history in the University of Dublin, with the manuscript of which he has been favoured. These lectures, eight in number, were employed in vindicating the constitution from the imputation of having been the work of successful rebellion, and in collecting evidences to prove, that its principles are of ancient inheritance.

(*q*) He had been associated with Hubert de Burgh, but the latter then chiefly directed the administration. Hume's Hist. of England, vol. 2. p. 159.

(*r*) Some of these are strongly stated in a letter of complaint, addressed to the pope in the year 1246, by the king, the prelates, and the barons. Henry's Hist. of Great Britain, vol. 8. p. 17.

(*s*) The Roman pontiff, in prosecution of his hostility against the family of the emperor Frederic II, made a tender of the crown of Sicily to Richard earl of Cornwall, brother to Henry III; the offer, which was declined by the earl, was afterwards accepted by the king for his second son Edmond.

(*t*) His determination annulled the provisions of Oxford, which had been framed by the barons, as being not only extorted and unconstitutional, but also in their own nature temporary; and at the same time confirmed the royal

charters. Hume's Hist. of England, vol. 2. p. 210.

(*u*) This was afterwards called *the Mad Parliament,* from experience of the confusions which attended its measures. Ibid. p. 191. Those measures were the provisions mentioned in the preceding note.

(*v*) This appears to have been the policy of Edward I. Ibid. p. 282, 283.

(*w*) M. Paris tell us, that in this reign the reverence entertained for the papacy was much diminished by the oppressions, which were particularly exercised upon the English. Hist. Maj. p. 512. Lond. 1640. Robert Grosted, bishop of Lincoln, when he found that the bulls, which he received from Rome, commanded any thing contrary to the precepts of the Gospel, and the interests of religion, tore them in pieces, instead of putting them in execution. Henry's Hist. of Great Britain, vol. 8. p. 10. A great part of the popularity of the earl of Leicester was founded on his opposition to Rome. Hume's Hist. of England, vol. 2. p. 220.

(*x*) The union was completed in the year 1534, when all the benefit of the English laws was given to the principality of Wales. Ibid. vol. 4. p. 137. Perhaps indeed in strictness it might be said, that it was not completed until the twentieth year of the reign of George II, as it was only then enacted, that all statutes

should extend to Wales, whether specially included or not. This was done by a clause inserted in the middle of 20 Geo. II. cap. xlii. the title of which is "to explain and amend the window-tax-act of the same year." Barrington on the Statutes, p. 160.

(*y*) The cities and boroughs then represented were twenty-one. Parliamentary Hist. vol. 1. p. 86. Upon the regular establishment of representation, in the year 1295, the boroughs are said to have amounted to about an hundred and twenty, besides those belonging to Wales, which are supposed to have been about twelve. Hist. View of the Engl. Governm. vol. 2. p. 220. The professor has noticed a curious misrepresentation in the history of Hume. The historian alleges, that the sheriff of each county had anciently a discretionary power of omitting particular boroughs in his returns, and was not deprived of this power until the reign of Richard II; in proof of which assertion he refers to 5 Richard II. ch. 4: whereas that statute proves the contrary; as it directs that the sheriff shall for such an omission be punished "in the manner as was accustomed to be done in the said case in times past." Ibid. p. 221.

(*z*) Hume has overlooked the parliament of the year 1283, and chosen this one of the year 1295, as that in which popular government truly commenced.

(*aa*) The homages performed by the kings of Scotland to those of England, had been performed, except on one occasion, for the lands which the former possessed in England, and not for the kingdom of Scotland. Indeed William king of Scotland, having been made prisoner by Henry II. of England, performed homage for his kingdom; but this homage was renounced by Richard I, when he was engaging in a crusade, and desirous of conciliating the Scottish prince. Hume's Hist. of England, vol. 2. p. 262, 263.

(*bb*) In the petition of right presented to King Charles I. a statute *de tallagio non concedendo*, which is referred to the thirty-fourth year of this prince, was pleaded by the lords and commons; and as the king gave his assent to the petition, it must be considered as having since that time the authority of law: but Blackstone has assigned decisive reasons to prove, that it cannot be placed so late in the reign of Edward as that year; and has shown it to have been most probably a latin abstract, and not an exact one, of this confirmation of the charters, passed in the twenty-fifth year of the same reign, the original of which is in old French.

(*cc*) The kings of France and Arragon, and afterwards other princes, had submitted their controversies to the judgment of Edward; and the remoteness of their states, the great power

of the princes, and the little interest which he had on either side, had induced him to acquit himself with honour in his decisions. Hume's Hist. of England, vol. 2. p. 260.

(*dd*) Burne's Eccles. Law, art. *Mortmain.* The historian of the Roman empire has remarked (vol. 2. p. 510.), that "the strict regulations which have been framed by the wisdom of modern legislators to restrain the wealth and avarice of the clergy, may be originally deduced from the example of the emperor Valentinian." But the edict of Valentinian appears to have related to the private wealth of the clergy, not to the endowments of the church, and therefore not to have been an edict of mortmain. The object of the emperor was to protect the properties of families against the arts of individuals of the clergy; that of modern governments was to secure the continuance of the feudal duties against the encroachments of the clerical order. A feudal government was so directly connected with the soil, that the distribution of it was naturally a subject of public consideration.

(*ee*) Henry says that there is no evidence, that the parliament of England was divided into the two houses of lords and commons in the reigns of the first and second Edward; and that it is most probable that it continued to form only one great assembly, though occasion-

ally separated for distinct consultation: the knights of shires, in the separate consultations, sat commonly, if not constantly with the lords. Hist. of Great Britain, vol. 8. p. 111, 129. The union of the knights and the lords appears to have been dissolved between the years 1339 and 1343; but many years elapsed before the former were completely combined with the representatives of cities and boroughs. Ibid. p. 144—146.

(*ff*) Ibid. vol. 6. p. 118. Judge Barrington conjectures, that he was honoured with this appellation chiefly on account of that collection of laws generally called Westminster 2. Observations on the more anc. Stat. p. 127.

(*gg*) Of the composition of that system of law, which was so much improved by Edward, Mr. Wooddeson has given the following account in his Elements of Jurisprudence, p. 147. Dub. 1792. "The frame of our whole constitution, the trial by jury, and many received doctrines respecting crimes and punishments, may be considered as of Anglo-Saxon original; much of the law concerning landed estates depends on feudal principles; and in contracts affecting personal property, even our legal judicatures (as distinguished from those of equity) have been long acquainted with the use of the Roman institutions."

(*hh*) He reduced the income of the crown to

60,000 marks. Sinclair's Hist. of the Revenue, vol. 1. p. 102. Lond. 1803. The settled income of William the Conqueror is stated by Ordericus Vitalis to have been 400,000 pounds; and notwithstanding the scepticism of Hume and Henry, the account is credited by the historian of the revenue. Ibid. p. 70. M. Paris says that he owed so much money, and to so many people, for even the very necessaries of life, that he could scarcely venture to appear in public. Parliamentary Hist. vol. 1. p. 45.

(*ii*) Hume justly argues, that the conduct of Edward, in summoning deputies of the inferior clergy to meet in convocation, for the purpose of imposing taxes on their constituents, is a decisive proof that the representatives of boroughs were summoned to parliament only for the relief of the necessities of the king. Hist. of England, vol. 2, p. 291. As it was found necessary to employ the intermediate authority of the archbishop, and there were two archbishops, two ecclesiastical synods were constituted, one for each province. The taxes, to which one of these synods agreed, was afterwards submitted to both houses of parliament, and became a law in the usual manner. By the act of submission, in the twenty-fifth year of Henry VIII, the clergy were restrained from making any canons or constitutions without the special license of the king; and even in this case

they were not competent to bind the laity, who were not represented in the convocation. In the thirteenth year of Charles II. the last subsidy of the clergy was given; it being then judged expedient to adopt the practice of taxing them by a land-tax and poll-tax, which had been introduced by the Long Parliament. The convocation however continues to meet concurrently with the parliament, though no synodical act has been passed since the year 1662. Burne's Eccles. Law, art. *Convocation.*

LECTURE XIV.

Of the history of northern Italy, from the reduction of the Lombards in the year 774 *to the commencement of the permanent connection of the imperial dignity with the crown of Germany in the year* 962.

Charlemagne emperor of the west .	800
Lewis the Debonnaire of France, emperor	814
Lothaire emperor and king of Italy with some provinces of France .	840
Lewis II. emperor and king of Italy	856
Charles the Bald of France emperor	875
Imperial dignity vacant	877
Charles the Fat of France emperor .	881
Imperial dignity vacant	888
Guy Duke of Spoleto emperor . .	891
Lambert his son emperor	895
Lambert and Arnold of Germany emperors	896
Arnold sole emperor	898
Imperial dignity vacant	899
Lewis III. emperor and king of Burgundy Cisjuranan	901

Imperial dignity vacant	905
Berenger Duke of Friuli emperor .	916
Imperial dignity vacant	924
Otho I. of Germany emperor. . . .	962

IT has been * remarked, that the incipient system of Europe branched into two distinct combinations, the one consisting of the French and English governments, and the other of those of Italy and Germany; and that, as the western provinces of France constituted the political relation in the one combination, so did (*a*) the imperial dignity and the Italian kingdom constitute that of the other. The combination composed of the French and English governments having been traced to the commencement of the fourteenth century, when those governments, having thrown off much of the rudenesss of the feudal times, began to assume the distinctive characters of their more modern forms, it is necessary that I should now direct your attention to that other combination of Italy and Germany, and follow its operations to the same period. This shall accordingly be the subject of the present, and of the six succeeding lectures.

The two combinations, it was mentioned, appeared to have two wholly distinct objects; the destination of that of France and England seem-

* Lecture 10. vol. 1. p. 488.

ing to be that it should prepare the two great governments, which, in the maturity of the general system, might maintain the equilibrium of its complex and extensive arrangements, and of that of Italy and Germany to prepare those principles and habits of general and international policy, by which the various states of Europe should be united into a system, fitted for the presiding influence of those two ruling governments. The present enquiry leads us therefore to search into the origin of general rather than of national policy. Neither the (*b*) multitudinous littleness of the Italian governments, nor the unwieldy weakness of the German empire, can much attract the attention of the philosopher speculating on the formation of the system of Europe, except so far as they afforded a favourable situation for the developement of the principles of general policy. It is not from the agitations of a people comprehended within the space of a few miles, that lessons of government can be derived for the administration of a numerous and extended society; nor, on the other hand, could any lessons of political wisdom be drawn from a government, which scarcely retained the unity of a state, and seemed to exist only by the juxtaposition of its parts. But these very circumstances, which render them so little interesting as single specimens of political society, were precisely what fitted them

to unfold the principles of a larger and more general improvement. It was only amidst the imbecillity of the Italian states, that the spiritual monarchy of Christendom could be erected; it was only in governments so minute, in which every individual felt importance, that the genius which had slept through ages of barbarism, could be rouzed to its earliest exertion; and it was only among the rivalries of their multiplied, yet feeble contentions, that the valuable system of a political balance could be originally devised: and when the important discovery of a federal policy had been made and applied, in the struggles of a multitude of feeble communities, it was only by such a wide and ill-compacted government as the German empire, that it could be received and transmitted to the rest of Europe; for it was necessary that the government, which should be instrumental to such a destination, should be large enough to be capable of connecting itself with all the European nations, and so imperfectly combined as to admit a balance of opposing interests within its own constitution, to be the germ of that more extended system of equilibrium, which was to comprehend all the other governments.

In the combination composed of France and England, the western provinces of the former country, which became connected with the

English government, and were afterwards recovered by the French, furnished, as has been observed, the principle of mutual activity and influence. When they were connected with the crown of England, they first added so much to its power, that the inferior orders were compressed into political union, and then proved so embarrassing an incumbrance, that the national struggle for liberty was greatly facilitated. In regard to the French government the same provinces exercised a directly contrary influence. When they became connected with the English crown, they took no power from that of France, having been previously in a state of real, though not of nominal independence: but in the great struggle of the two kingdoms, which was the consequence of that connection, the French government, amidst the distractions of a domestic war, became more military in its character, and finally acquired that substantial addition of power, which accrues from the forcible reduction of an alienated territory. Thus these provinces became to England the means of liberty, to France of despotic authority, urging each government forward in the course on which it had already entered, and thus assisting both in their progress towards that relative position, in which they at last maintained the balance of the world.

In the other combination composed of Italy

and Germany the imperial dignity, (*c*) conferred by the Roman pontiff and enjoyed by the German sovereign, became necessarily the occasion of a close and intimate relation of reciprocal influence. In the nature of this influence however we do not discover the same contrast of operation, which has been noticed in that of the preceding case. The distracting pretensions of the two rival powers, the papacy and the German sovereignty, introduced disunion and weakness among the states both of Italy and Germany, generating in each political independence, though the peculiar circumstances of the Italian governments rendered their independence more complete. This independence too in both countries gave being to a system of political equilibrium. As in Italy it was the great contention of the Guelf and Ghibelin parties, which first suggested the device of balanced interests and powers, so was it, in the German government, the general relaxation occasioned by the papal struggles, that permitted to be formed within it the balance of the two more general parties of the Protestants and Roman Catholics, which gradually involved the other governments of Europe. The origin of this important relation we are now to consider; and it will be the business of the present lecture to review the history of the northern part of Italy in that period of time, which intervened

between the subversion of the Lombard kingdom and the first permanent connection of the imperial dignity with the crown of Germany.

The Lombards did not, like their predecessors the Ostrogoths, acquire suddenly a possession of the whole of Italy, the divisions which at a very early period enfeebled their government, having embarrassed and restrained the progress of their arms. The Grecian emperors accordingly preserved a kind of sovereignty over various districts of Italy to different periods, and in the greater part to times subsequent to the suppression of the Lombard kingdom; over the exarchate of Ravenna to the year 752, when it was conquered by the Lombards; over the duchy of Rome to the year 800, when a new western empire was created by the pontiff; and over the southern provinces even to the year 1139, when their reduction was completed by the Norman king of Sicily. The Lombards indeed, even before they reduced the exarchate, and though they never became masters of the Roman duchy, extended their conquests towards the south, and established themselves in the great duchy of Benevento, which comprehended *(d)* nine of the twelve provinces afterwards comprised in the kingdom of Naples. This dukedom was however too powerful, and too distant from Pavia, the Lombard capital, to be retained in much subordination by the

Lombard monarchy; it therefore formed a distinct principality, acknowledging indeed a nominal dependence on the crown, but acting a separate part in the political combinations of the south of Italy.

Before the Lombards were subdued by Charlemagne, three of their thirty-six dukes had raised themselves to a superior and commanding importance, those of Friuli, Spoleto, and Benevento. * Many of the original dukedoms had been suffered to become extinct, as it was the natural policy of the kings to desire the suppression of the rivals of their authority; but the peculiar importance of the situations of these three rendered their preservation and aggrandizement indispensable to the security of the kingdom, that of Friuli commanding the entrance into Italy, that of Spoleto being conveniently situated in the centre, for resisting the Greek garrison of Ravenna and the people of Rome, and that of Benevento being in the like manner commodiously posted for observing the southern provinces. Of these three great dukedoms that of Friuli was soon vanquished by Charlemagne; that of Spoleto, awed by his successes, was induced to submit to his authority; but that of Benevento was sufficiently strong to oppose an effectual resistance

* Giannone lib. 4. cap 2.

to his power. The Italian dominion of Charlemagne was therefore even more limited than that of the Lombards, which he had overthrown, and * included none of those countries, of which the kingdom of Naples was afterwards composed. Of those countries which it did include, (*e*) he confirmed to the papal see the donation formerly made by his father Pepin, comprehending (*f*) the exarchate of Ravenna and the Pentapolis. Still indeed over these and the Roman dukedom (*g*) he retained a right of sovereignty; but the other provinces he reduced more immediately under his own authority, giving to them the name of the kingdom of Italy.

In the government of his Italian kingdom Charlemagne introduced an important innovation. † The legislative assemblies of the Lombards had been composed only of the barons; but Charlemagne, agreeably to the practice already established in France, convened the bishops and abbots with the barons, and thereby instituted another order of legislators. We shall shortly see, that this policy, so naturally suggested to the conqueror by the practice of his own country, and by his new connection with the papal see, was an efficient principle of the revolutions afterwards experienced by his kingdom of Italy.

* Giannone lib. 5. cap. 4. † Ibid. lib. 6. introd.

Of all the revolutions of Italy this, says * Denina, was the least turbulent and bloody, no nation having ever been more rapidly overthrown than the Lombards: their own divisions and the cabals of the pope had paralysed their strength, and a single campaign placed Charlemagne on their throne. Every thing passed, says this writer, as if the Lombard succession had been quietly transmitted to another sovereign of the same nation. And yet, easy and sudden as was the transition of the Italian kingdom from its former to its new government, it constituted the grand crisis of the relation which was afterwards formed between the ecclesiastical and the temporal authorities of the west. The attachment of the Roman pontiff became from that time important to the interests of the sovereign of France, and the former reciprocally sought to conciliate the latter by restoring in his favour the dignity of western emperor. That dignity was not however originally placed in the position, in which it became opposed to the papacy. The French government was not that on which the papacy could try itself with advantage, but its strength served to give a beginning to arrangements, which were afterwards to produce such import-

* Revolutions d'Italie, trad. par Jardin, tome 2. p. 326, 327. Paris 1770.

ant results; and when the papacy was ready for the struggle with the imperial dignity, the latter was transferred to the government of Germany, which by its lax and feeble combination was best fitted to feel the whole violence of the papal power.

When Ravenna (*h*) had become the residence of the Grecian exarchs, the bishops of this city endeavoured to withdraw themselves from the papal authority, pleading the dignity of the see established in the new western capital, as the bishops of Constantinople asserted the independence of that capital of the east. But in the very year preceding that in which Pepin was invited into Italy by the Roman pontiff, Ravenna, notwithstanding (*i*) that strength of situation for which it had been selected, fell at last under the dominion of the Lombards; its territory was granted by that prince to the see of Rome, when he had conquered the Lombard sovereign, the recent acquisition being naturally considered as a spoil of war; and the donation was afterwards confirmed by Charlemagne, though it has been shown that it was slowly and reluctantly executed. The establishment then of this latter capital of the west, instead of raising up a rival prelate, who should supplant the bishop of the ancient metropolis, but prepared the original means of his temporal aggrandizement. Secured by its natural fast-

nesses, it long defied the power of the Lombards, and preserved to the Greek empire a remnant of its dominion of northern Italy; and as, when it was at last reduced by that people, but a single year elapsed before Pepin was invited to the assistance of the Roman pontiff, it remained with its territory still distinct from their kingdom, though subject to their government. The pope on this occasion solicited of Pepin a grant of the district, which had constituted the see of his former rival; that prince, though (*k*) in his new character of patrician of Rome he professed to be subordinate to the Greek emperor, had a right to consider the territory of Ravenna as devolved to himself by the right of conquest; and the reduction of the Lombards not having been effected, it might even be the interest of Pepin to transfer his acquisition to the see of Rome, because he might thereby weaken a hostile, and strengthen a friendly power, without sacrificing any dominion which he should be able to retain.

The restoration of the imperial dignity of the west was a natural result of the decline of the Greek empire, and of the exposed situation of the papacy. Such was the weakness of that empire in the time of Pepin, that its sovereign * declared himself unable to protect the pon-

* Abrege Chronol. de l'Hist. d'Italie par Saint-Marc, tom. 1. p. 349. Paris 1761.

tiff, and directed him to seek the assistance of the French king. The more effectual aid of Charlemagne removed the danger by overthrowing the power of the Lombards: but though so much reverence was still entertained for the court of Constantinople, that even this prince was contented to act as patrician, or lieutenant of the empire, a powerful monarchy could not long continue to acknowledge the superiority of merely traditionary grandeur. An occasion alone was wanted for placing the new protector of Rome in that ostensible independence, which belonged to the real greatness of his power; and such an occasion was furnished by an insurrection of the Romans, in which the pontiff, Leo III, had fallen into the hands of his enemies. In this emergency the pontiff felt that it was necessary to his personal safety to attach more strongly to his interest the great monarch of the west: the unprecedented situation of the Greek empire, then governed by a female, Irene the widow of the late emperor, had destroyed among the people of Rome the last habits of submission to the court of Constantinople: and it was an important augmentation of the power of the papacy to assume the privilege of creating an emperor of the west, and thus to make preparation for claiming a superiority even over his sovereign dignity. The imperial dignity was accordingly restored in the year 800, after

an interval of three hundred and twenty-four years from the deposition of Augustulus. In this manner was concluded an arrangement, by which the French monarch acquired no power, for he was already the actual sovereign, but by which was established a most important relation between the papacy and the great western monarchy; for a name a powerful sovereign (*l*) consented to receive from the pontiff an investiture of the power which he already possessed, and thus unconsciously provided the subject of the future struggle of the papal and the imperial authorities.

The French government however, as has been already intimated, served only to institute a relation, which after about a century and a half was to be transferred to Germany. Except during the decay of the Carlovingian family that government was too strong to be much affected by the power of the pontiffs; and if it could have been so affected, it would have been too weak to be the central government of the European system: a different and a less compact government was therefore necessary for receiving the influence which was to be communicated by the new combination of the two supreme authorities of the church and of the state: and the decay of the Carlovingian dynasty, by detaching the imperial dignity from the government, which alone had been adequate to its restora-

tion, furnished the favourable opportunity for transferring it to that other, upon which it might be productive of important effects.

The whole period of one hundred and sixty-two years, which intervened between the restoration of the western empire and the commencement of the permanent connection of the imperial dignity with the German crown, may be distinguished into two parts, that dignity having been held by a series of French princes during eighty-eight years, and being afterwards held chiefly by Italians, though of the remaining seventy-four the concluding thirty-eight, or more than the half, constituted one long interval of suspension.

When the royal family of France was sinking into decay, it was natural that the Italians should endeavour to retain the imperial dignity among themsselves, and should be driven from the attempt only by the actual experience of its inconvenience: they had, on the other hand, very cogent reasons for being averse from conferring the dominion of their country on the German princes, whose territories bordered on their own much more closely than France, and could not easily be reconciled to a measure, which threatened so much danger to their independence. In the transition therefore of the imperial dignity from France to Germany, it was to be expected that it should make some stay in

Italy, and that it should at last be removed to Germany only in consequence of the agitations which it excited among the Italian princes.

Of the French emperors there was one, Lewis II, who possessed no other dominions than those which belonged to the dignities of emperor and king of Italy: and it is observable, that a resident and active sovereign was in his time indispensable to the preservation of Italy. In the contentions by which the southern region of that country was agitated, the Saracens, (*m*) who from Africa had established themselves in Sicily and on the coast of Italy, * were invited to the assistance of the one party, and those of Spain were opposed to them by the other. When these fierce invaders had been thus introduced into the country, the valour and activity of Lewis II. were employed with advantage in restraining their progress, which might else have been extended over Italy, and have destroyed the very germe of the policy of Europe. The reign of this prince was also most favourable to the improvement of that northern portion of Italy, which was subject to his authority: all prospered, says † Denina, from the banks of the Tyber to the Alps, nor was any part of Europe

* Giannone, lib. 7. introd. sez. 1. † Revol. d'Italie, tome 2. p. 407.

more peaceable or better governed than Lombardy. The same writer has also * remarked, that the personal character of Lewis, and that of his wife Angilberge, to whom he confided much of his authority, formed a combination auspicious to the prosperity of his reign, the haughty and imperious disposition of the empress serving to correct the influence of the mild and easy disposition of her husband, and thereby to maintain the majesty of the throne, and to infuse vigour into the government.

This emperor and the two preceding had followed their great ancestor Charlemagne in the regular succession of hereditary right, and the interposition of the pope had accordingly been confined to a mere ceremonial; but as Lewis II. left no male issue, the imperial dignity, with the kingdom of Italy, became the subject of a competition, in which he had an opportunity of assuming and exercising authority. The two claimants were Charles the Bald of France and his brother Lewis of Germany: the former, as being the elder, had the preferable claim; but so strong was the adverse party, the pretensions of Lewis being supported by the widow of the late emperor, and recommended by his own superior qualities, that he was indebted for his succession to the favour of the Roman see.

* Revol. d'Italie, tome 2. p. 406.

To the pontiff the king of France must have appeared a less dangerous sovereign than the king of Germany. The dominions of Lewis, extending to the coasts of the Adriatic, formed a dangerous vicinage to Italy, while those of Charles were remote, and separated by a mountainous region; the former also had become connected with the Grecian emperor, the eternal enemy of the Roman pontiff, being naturally led to this alliance by their common hostitility to the Slavian nations of the north; and the very strength of the party which supported Lewis, must have contributed to determine the pope to interest himself in favour of another candidate, who should feel that his success was the result of such an interposition, (*n*)

The succession of Charles the Bald, who was made emperor in the year 875, became thus an important epoch in the history of the imperial dignity, as the competition occasioned by the failure of male issue in the family of Lewis II, afforded the first favourable opportunity for the encroachments of the Italians. The example of the pontiff was imitated by the bishops and lords of Lombardy, who formally elected Charles to be king of Italy. Nor did the spirit excited by such an occasion fail to produce other effects. * The pontiffs, to maintain their

* Giannone, lib. 7. cap. 1.

pretension to the right of choosing the emperors, began at this time the practice of numbering the years of the reigns of those princes from the days on which they had received the pontifical consecration; and four Italian dukes, those of Spoleto, Friuli, Lombardy, and Tuscany, availed themselves of the opportunity to become more independent, and a few years afterwards two of them aspired to the empire.

Thirteen years elapsed from the advancement of Charles the Bald to the commencement of the series of Italian emperors; but it was a period of weakness and decay, in which the imperial dignity was escaping from the grasp of its earlier possessors. Short as that interval was, it comprehended the reigns of two emperors, Charles the Bald and his nephew Charles the Fat, together with an interregnum of about three years. Charles the Bald, entirely occupied in the endeavour to usurp what he could of the succession of his brother Lewis of Germany, gave little attention to the duties of his Italian crowns, and dying at the end of two years, left the empire to be the subject of a new contention; the imperial dignity then remained vacant about three years, and was afterwards feebly held by Charles the Fat during seven. * The latter, driven from his throne by his ne-

* Abrege Chronol. tome 2. p. 596.

phew Arnold, and reduced to the humiliation of soliciting from the usurper the means of his subsistence, expired with the name, but without the power of an emperor.

The government of the French emperors, which was thus brought to its conclusion, had been in general very favourable to the interests of northern Italy. * All that part which properly constituted the kingdom of Italy, and indeed all that was situated between the Tyber and the Alps, enjoyed the blessings of uninterrupted tranquillity. Other causes however contributed to the protection of a country so important to the future system of Europe. Its local situation was especially advantageous in regard to security. The kingdoms of France and Germany on the one side, and on the other the territories possessed by the Greeks and Lombards, which afterwards composed the kingdom of Naples, served as bulwarks to that interesting region, and defended it from the incursions of the Normans, Slavians, and Saracens, who in the ninth century spread such desolation through the west. Perhaps too, remarks Denina, the tranquillity enjoyed by the northern Italy during this period may be partly ascribed to the actual situation of the Roman see in regard to the Italian bishops and to the emperors.

* Revol. d'Italie, tome 2. p. 429, 430.

While the pontiffs were sufficiently powerful to maintain their supremacy over the other bishops of Italy, and thereby to retain them in subordination, they were themselves dependent on the emperors for protection against their enemies, and therefore were not yet disposed to enter into any adverse combination. But though the northern region of Italy enjoyed this extraordinary tranquillity, it is remarkable * that the military spirit, which had been revived among the Italians under the government of the Lombards, was afterwards yet more strongly excited by the French, who led them into other countries. Charlemagne led them against the Saracens of Spain; and besides the expeditions undertaken against the Saracens of the south of Italy, the kings of the northern part of that country, from the time of Lewis the Debonnaire, marched with their own subjects against the Saxons and the Avari. Of the numbers of soldiers which were thus sent on foreign expeditions, some estimate may be formed from the loss of forty thousand men, sustained in the celebrated battle of Fontenay, which was fought in the year 841 by the emperor Lothaire, whose army was composed principally of the troops of Lombardy. The long peace enjoyed by that country had favoured the

* Revol. d'Italie, tome 2. p. 439—441.

encrease of population, which on the other hand was not obstructed by the manners of the age, celibacy being unknown among the laity, and the greater part of the monks having entered into that state at an advanced period of life, when they had already had wives and children. Nor was even the literature of Italy neglected by this government of foreign princes, since (*o*) we find an edict of the year, 829, particularizing the cities, in which schools should be established.

In the southern region of Italy a revolution occurred within this period, which appears to have had a curious relation to the dominion of the French in the northern. The great principality of Benevento, which (*p*) had been strong enough to check the progress of the French, was dismembered in the year 840, Salerno and Capua being then detached from it, and formed into separate governments. Speaking of this dismemberment, Denina * observes, that if the principality of Benevento had remained unimpaired, it would have served Italy as a point of support, resting on which that country might have withstood its enemies, and maintained its prosperity. In this view the dismemberment of that great duchy may be regarded as a calamity; but in a larger consideration of policy

* Revol. d'Italie, tome 2. p. 387.

it may perhaps appear a part of a beneficial combination. To the various destinations of Italy, which were all so important to the formation and improvement of the European system, it seems to have been indispensable, that no great principality should acquire a predominant sway over that country; for such an ascendancy would have overwhelmed the independence of the papacy, and would have crushed all the principles of activity, which were cherished in the Italian republics. The ascendancy which the royal family of France had acquired in northern Italy, was accordingly balanced during sixty-six years by the great power of the principality of Benevento in the southern part of that country: and though the vigour of the French government of northern Italy continued to subsist thirty-five years after the dismemberment of Benevento, the exception serves to illustrate the principle, since in that interval * the emperor Lewis II. had nearly succeeded in possessing himself of the whole country. The temporary disturbance of the equilibrium of Italy occasioned by the dismemberment of Benevento, appears to have allowed Lewis, the first resident emperor, a favourable opportunity for opposing a sufficient resistance to the Saracens, who had invaded the southern provinces.

* Abrege Chronol. tome 2. p. 544.

Two years after the attempt of Lewis Charles the Bald became emperor; the decline of the French princes then began; and if Benevento had been at that time powerful, it would have itself preponderated in the political balance.

Charles the Fat concluded the series of French emperors. He had been deposed by his transalpine subjects for notorious incapacity; but * the Italians, not having been concerned in this transaction, continued to consider him as their emperor, probably indeed not being solicitous to see much energy displayed by their sovereign. There was then no legitimate descendant of Charlemagne by the male line except Charles the Simple, who had been a second time excluded from the succession under the pretence of his youth, Arnold, the illegitimate nephew of Charlemagne, having been chosen as their sovereign by the Germans, while the French elected Eudes count of Paris: the Italians availed themselves of the opportunity thus presented for bringing the imperial dignity home to their own country, and, after a domestic struggle of three years, Guy duke of Spoleto was invested with it by the pope, Berenger duke of Friuli being king of Italy. And here, † says Muratori, began a period, in which in-

* Abrege Chronol. tome 2. p. 600. † Annali d'Italia, tomo 5. p. 179, 180. Monaco, 1762, &c.

numerable calamities deluged Germany and France, but more especially Italy, the northern provinces of which had hitherto enjoyed an enviable peace: in the last-mentioned country, he adds, ignorance and barbarism continually encreased; a general corruption of manners prevailed, not only among the laity, but also among the ecclesiastics; the age became an age of iron, and the country a public market of vices and calamities. It was indeed a period of much barbarism and misery, because it was one of those eventful periods of the history of mankind, in which present happiness is sacrificed to remote, but important consequences.

The great duchy of Benevento having been reduced by the dismemberment of Salerno and Capua, there remained but three princes of the northern part of Italy, who enjoyed a distinguished superiority. These were Berenger duke of Friuli, Guy duke of Spoleto, and Adelbert duke or marquis of Tuscany; of whom Berenger and Guy were by females descended from Charlemagne. Adelbert being contented to remain master of Tuscany, and to favour the attempts of the others to rescue Italy from the dominion of foreigners, Guy and Berenger formed an agreement, by which it was determined between them, that the latter should be created king of Italy, and that he should cede to the former his preferable pretension to the crown

of France. Berenger was accordingly elected king of Italy, though not appointed emperor; but Guy, having been forced to abandon his pretension to the French crown, returned to Italy, and unable to acquiesce in his former station, determined to contest with Berenger the dominion of northern Italy. Berenger, alarmed at this competition, sought to strengthen himself by submitting to Arnold of Germany, and consenting to hold the kingdom of Italy as his vassal: Guy, on the other hand, had the support of the pope, and having assembled some bishops, caused himself also to be elected king; so that there were two kings of Italy, the one a vassal of the king of Germany, the other the creature of the Roman pontiff. It is accordingly to the year 889, that Saint-Mare * refers the commencement of the great division of the Ghibelins and Guelfs, the former of whom were attached to the interests of the German emperors, the latter to that of the see of Rome; though these appellations were not adopted until near the middle of the twelfth century, when they were borrowed from the parties which divided the Germans. The struggle of Italian parties which was thus begun, will hereafter be shown to have been the original principle of that balance of power, which was first esta-

* Abrege Chronol. tome 2. p. 610, 612.

blished among the little governments of Italy. The republics of that country did indeed at length acquire the skill of arranging an equilibrium on principles of a more general policy; but the contentions of the Ghibelins and Guelfs served to furnish a principle of equilibrium before political interests were sufficiently understood, as the instinctive efforts of infancy in many cases anticipate the speculations of maturer reason, which would come too late for the pressing exigencies of life.

In this contention for the crown of Italy there was yet no consideration of the imperial dignity, which remained unoccupied. The Italian kingdom had been wholly distinct in its origin, having been founded by the Lombards, while the imperial government of the west was suppressed. When in the year 800 this dignity was revived for Charlemagne, the two sovereignties became united, though with distinct jurisdictions, the imperial crown bestowing the sovereignty of the papal dominions, and that of Italy the sovereignty of the Lombard kingdom. In the year 877 they were again separated, Carloman of Germany being elected king of Italy, while the imperial dignity continued vacant on account of the opposition of the pope; nor were they reunited until the year 881, when Charles the Fat, who already possessed the kingdom of Italy, received the crown of the

empire. The death of Charles was followed by the contention, which has been just described.

Guy, who in the year 889 had been elected king of Italy by the interest of the pope, was in the year 891 by the same interest created emperor; Berenger however, continued to hold the kingdom of Italy, which was not united to the empire until the year 916, when he was himself advanced to the imperial dignity. The death of Berenger, who was assassinated in the year 924, was followed by a suspension of the imperial dignity during the long period of thirty-eight years, at the end of which it was restored in favour of Otho king of Germany; the kingdom of Italy had however, two years before the death of Berenger, been wrested from him by a conspiracy, and continued to exist without interruption.

In these agitations the general policy of the Roman see had been * to prefer a distant to a neighbouring emperor, and to endeavour to suppress altogether a sovereignty, which began to be found inconvenient to its growing independence: it was on the former principle that a French emperor had been preferred to a German, and then a German was thought more eligible than an Italian; the latter was reduced

* Abrege Chronol. tome 2. p. 623, 660.

to practice in the long suspension, in which the imperial dignity seemed to have been wholly abrogated. The calamities of Italy in general, and of Rome in particular, rendered it at last necessary for that see to submit itself to a sovereign capable of maintaining tranquillity, and recourse was then had to the former principle of preferring a distant authority.

The earlier half of the tenth century was the period of the agony of the fortunes of Italy. The northern region of that country had ever since the subversion of the Roman empire enjoyed a degree of protection unknown to the other countries of the west; Goths, Lombards, and French had successively guarded its tranquillity, and preserved some remnant of its former civilization; and it was only at the expiration of four hundred years, that this favoured territory was doomed to experience a period of violence and disorder. It was then indeed subjected to a severe visitation. The distractions of civil war, the desolations (*q*) of barbarian invasion, the enormous abuses of the Roman see, compose a group of horrors, which the historians of this period seem unable to describe. It is painful indeed to see that region, which contained within it the best promise of modern improvement, thus for so long a time ravaged and corrupted; but it may not be difficult to explain the tendency of this melancholy crisis

of its history, to fit it for the very destination, to which such a crisis might at the first view appear most repugnant.

It was the more immediate effect of this series of agitations to break down the great principalities which would else have stifled the republican energies of northern Italy, and would probably have given being to a domestic sovereignty, irreconcilable to the independence of the papacy. The age of the Italian republics had not then begun; the country was parcelled among a feudal nobility; and if it had been possible that any moderate degree of tranquillity should have continued to subsist, it seems most probable that one of the great principalities would have been transformed into a permanent monarchy of Lombardy. On the other hand, if in such a disastrous time the see of Rome had been governed with as much ability, as when the foundations of its greatness were laid by Leo and Gregory, that see would perhaps itself have become the temporal sovereignty of Italy, and its ecclesiastical would have been merged in its political character. So desirous were the pontiffs of avoiding the control of a superior, that during almost thirty-nine years they suffered the imperial dignity to continue vacant; nor was it at length bestowed upon the German sovereign, until his protection had become indispensable to the safety of the papacy.

But the character of the pontiffs of this unhappy period secured them from any such consequence of successful ambition: even (r) the historians of their own church describe them as monsters rather than men, and represent the see of Rome itself as the spoil of profligate women, who disposed of it at their pleasure.

The remoter effect was to divert the Italians from the vain pursuit of a domestic sovereignty, and to force the Roman pontiffs to abandon the scheme of subsisting without the protection of the imperial authority. For this effect however a special combination of events made the necessary preparation.

Adelaide, * the widow of a king of Italy, was by her riches an object of interested ambition, as by her beauty and her virtues she was well qualified to attract popular regard. Berenger, by whom her husband had been succeeded, was probably desirous of procuring for his son so desirable an alliance, but disappointed by the queen's refusal to connect herself with the son of a man suspected of having made room for his own advancement by causing the death of her consort. In this manner has been explained the brutal violence of Berenger, who plundered Adelaide of her possessions, and even of her personal ornaments, treated her with extreme

* Abrege Chronol. tome 2. p. 707, &c.

barbarity, and confined her in a tower on the borders of the lake of Garda. From this prison she effected her escape (*s*) in a manner which resembles romance rather than real history; she was then protected by a chieftain, who had built a strong castle on an insulated rock; and afterwards married to Otho of Germany, who had been called to her assistance, and four years before had become a widower. The German sovereign aspired to the royal and imperial dignities of Italy in right of his marriage, but he soon discovered that the time was not yet arrived for the gratification of his ambition: (*t*) the Roman see was then subjected by a chief, who did not choose to give himself a sovereign; and the intrigues of Berenger among his own family compelled him to return to Germany, abandoning the Italian kingdom of which he had possessed himself. That connection however of Italy and Germany, which had been begun by Arnold in the year 888, was renewed on this occasion in the year 952, Berenger II. having then submitted to perform homage for his kingdom to Otho, as Berenger I. had before done to Arnold. In this situation affairs remained until the year 960, when the bishops and lords of Italy, wearied of the oppressions of Berenger, confederated with the pope, who was aggrieved, not only by the continued detention of the exarchate and pentapo-

lis which had been usurped by the predecessor of that prince, but also by frequent incursions made into the Roman duchy. The confederates solicited Otho to come to their assistance; but they would even then have been satisfied to retain the son of Berenger on the throne, if the father, with whom he had been associated, would have consented to abdicate: the mother however resisted the proposal; the son was accordingly set aside with the father; and Otho was in the year 961 again proclaimed king of Italy, and in the year 962 invested with the imperial dignity. The pope, who had bestowed on him the latter dignity, soon repented of the measure, and caballed with the son of Berenger for his restoration; but his repentance had no other effect than that of procuring his own deposition, and thus enabling Otho to assume more authority than before over the duchy of Rome, and even to assert a right of controlling by a negative the election of the pontiffs.

Otho, it has been remarked, had become a widower a short time before he was invited to the aid of the fair widow of Italy, and was thus at liberty to form a connection, which produced such important effects. It is also observable that the circumstances of his government were just then for the first time such, as permitted an effectual interference in the concerns of Italy. Though Arnold king of Germany had,

in the year 888, received the homage of the king of Italy, and in the year 896, had been invested with the imperial dignity, and had thus prepared the Italians to seek in his country a protector against the oppressions of their own princes; his son Lewis, who at the death of Arnold was but seven years old, and died before he attained the age of twenty, was incapable of maintaining a pretension, which required considerable forces and reputation. Neither was Conrad or Henry, though each was a valiant warrior, more able to concern himself with the affairs of Italy: Conrad, besides that his reign was of short duration, was incessantly occupied in repressing among the German princes the refactory spirit, which had been excited in the competitions of the royal election; and Henry was not less employed in repelling the Hungarians, and resisting the enterprises of the king of France. Otho was likewise diverted from the affairs of Italy by other wars during about fifteen years of his reign, and was just then at liberty to enter upon this tempting field of ambition, when that country was beginning to feel the necessity of seeking his protection.

Thus at length was formed that connection of Italy with Germany, which began the important relation of the interests of these countries, just one hundred and three years before the Norman conquest of England gave a begin-

ning to that other combination of France and England, which has been already in part considered. If the respective offices of the two combinations be regarded, it will be seen that the relation of Italy and Germany should have been formed sooner than that of France and England. The former had for its object the preparation of the general system of the federal policy of Europe, which originated in Italy, and was through the agency of the German empire extended to the other governments of the west; the object of the latter was to prepare the two ruling governments, which should preside over the system, when it had been thus formed and extended: the combination of France and England therefore related to an object later in the order of events, and which was besides in its own nature of less complexity; and therefore it could not require to be commenced at so early an epoch.

The peace of Westphalia, concluded in the year 1648, may be considered as the accomplishment of the Italian and German combination, as it was the epoch of a settled system of federative policy in Europe: the English revolution, which was effected forty-one years afterwards, was at once the crisis of the other combination, and the event which placed France and England in their respective stations, as the principal and the balancing member of the system begun by the treaty of Westphalia. The ob-

jects were accordingly attained in the same order of time, in which the combinations had been begun; though, as the preparation of the general system was a more complicated work, than that of the two governments destined to preside over and direct it, sixty-two years more were employed in the operation.

Among the causes of the distresses of Italy were the ravages of the Saracens, to which it was subjected from about the middle of the ninth century. While these contributed to swell that mass of calamity, which broke down the pride of the Italians, they had a special operation in giving a military character to the ecclesiastical sovereignty of Rome. * In the year 916 the pontiff, John X, formed a powerful confederacy to crush these infidel spoilers, who had extended their devastations even to the Roman duchy, and in his eagerness to secure the success of the operations which he had concerted, placed himself at the head of the united forces: the expedition was so completely successful, that the enemy was said to have been completely destroyed; and the pontiff returned to Rome, says Saint-Marc, covered with a glory, which is not that of the vicar of Jesus Christ. The violent opposition of the tribe of the Koreish has been mentioned as fur-

* Abrege Chronol. tome 2. p. 664, 666.

nishing the occasion, which converted the peaceable proselytism of Mahomet into a system of military ambition: the ravages of the Saracen invaders of Italy appear to have exercised a similar influence in changing the character of the papacy: and those celebrated expeditions which directed against Asia the united forces of Christendom, were but the reaction of an impulse originally given by the fanaticism of Arabia.

(*a*) The imperial dignity must be distinguished from the kingdom of Italy. The former comprised those provinces, which the Roman pontiff subjected to Charlemagne, first as patrician, or governor of the court of Constantinople, and afterwards as emperor, namely the duchy of Rome with the other papal territories: the latter comprehended the territory anciently held by the Lombards, and conquered from them by Charlemagne. The great duchy of Benevento in southern Italy, which had been always independent of the Lombard crown, and was never reduced by Charlemagne to more than a nominal subjection, was not included.

(*b*) The number is, I think, stated to have been sixty-eight, in the Histoire des Repub-

liques Italiennes by Sismondi; but I have not been able to recover the passage.

(*c*) It is in the account of the coronation of Lothaire, son of Lewis and grandson of Charlemagne, which was solemnized in the year 823, that we discover the first germe of the pretension of the popes to the power of disposing of the empire. Abrege Chronol. tome 1. p. 468. The king of Italy was crowned by the archbishop of Milan. In the year 879 the pope endeavoured to possess himself of the same prerogative in regard to this crown, which after the example of his later predecessors he conceived that he might claim in regard to that of the empire; but after a violent contest, in which he declared the archbishop deprived of his see, he was compelled to abandon the pretension. Ibid. tome 2. p. 578—582.

(*d*) These are stated by Giannone, lib. 6. cap. 1. to have been Terra di Lavoro, the Contado di Molise, the Hither Apruzzo, Capitanata, Terra di Bari, Basilicata, the Hither Calabria, and both the Principalities.

(*e*) Saint-Marc has assigned very cogent reasons for considering this donation as merely verbal, and for believing that down to the year 779 it had not been executed. Abrege Chron. tome 1. p. 394—400. The popes appear to have consented before the end of the tenth century, that these provinces should be annex-

ed to the kingdom of Italy, being probably unable to protect them, but at the same time to have retained some kind of honorary lordship over them. Ibid. tome 2. p. 888, 986, 1032; tome 3. p. 40.

(*f*) The exarchate, also called the decapolis, comprehended Ravenna, Classe, Cæsarea, Cervia, Cesene, Imola, Forlimpopoli, Forli, Bologna, and Faenza: the adjacent province, called the pentapolis, included, as is believed, Pesaro, Rimini, Fano, Ancona, and Uniena. Ibid. tome 1. p. 306, 322.

(*g*) Ibid. p. 379, &c. 404, 406, 460. Nor did this sovereignty expire with Charlemagne. In the year 898 three decrees were issued by the emperor Lambert, in concurrence with the pope and a council: by the first and second of these the authority of the emperor, in regard to the administration of justice within the papal territories, was fully recognised; and by the third it was determined, that the pope should be elected by the bishops and all the clergy, on the requisition of the senate and people, and consecrated in the presence of the commissioners of the emperor. Ibid. tome 2. p. 636, 638. Otho is said to have signed an engagement, when he received the imperial crown in the year 962, by which he promised that he would not hold a court of judicature in Rome, nor publish a law there relative to the pope or

the Romans, without having taken the advice of the pope. Saint-Marc thought this a forgery; but contends that, though true, it would not derogate from the sovereign authority of the emperor, since it would only place the pope in the rank of the greater vassals of the feudal sovereigns. Ibid. p. 780, 782.

(*h*) The emperor Honorius fixed his residence at Ravenna in the year 404; and his example was followed by the Gothic kings of Italy: but the exarchate of Ravenna was begun by Narses in the year 554, on the overthrow of the Gothic kingdom,

(*i*) The adjacent country, to the distance of many miles, was a deep and impassable morass; and Ravenna was connected with the continent by an artificial causeway. Hist. of the Decline and Fall, &c. vol. 3. p. 190.

(*k*) The Romans continued to date the acts of their government by the years of the reigns of the Grecian emperors, until Charlemagne had received the imperial crown. Abrege Chronol. tome 1. p. 382.

(*l*) Saint-Marc observes, that the previous consent of Charlemagne is sufficiently proved, not only by his general conduct, but more directly by his own express declaration. When he granted any favours to churches, he usually began his diplomas with this preamble. Charle, par la grace de Dieu, roi des Francois et des

Lombards, et patrice des Romains. Si notre munificence se fait sentir aux ministres de l'eglise de Dieu, si nous nous pretons volontiers a leur desirs, nous nous flattons que cela doit servir *a nous elever au comble de la puissance imperiale*, et, ce qui sans doute est plus precieux que toutes les dignites, nous ne desesperons pas que cela ne nous rende dignes de la recompense eternelle. Ibid. p. 444. It was however thought politic, or decent, that he should appear to have been taken by surprise, to give less offence to the imperial court of Constantinople; and therefore Eginhard was directed to publish the story. Ibid. p. 448.

(*m*) The Saracens of Africa appear to have first made a descent upon Sicily so early as in the year 651. Ibid. p. 240. However it was in the year 828, that they began the conquest of the island, which was completed in the year 833. The occasion of this enterprise so far corresponds to that commonly related of their invasion of Spain, that it is also a love-story. The most probable account is that a Sicilian named Euphemius, having been betrothed to Onomisa, a girl of extraordinary beauty, the patrician Gregory, governor of Sicily, carried her away, for the purpose of marrying her to another person, who had given him a sum of money; that Euphemius, having taken arms against the governor, was overpowered by the

forces which the Greek emperor sent into Sicily; and that he fled into Africa, where he solicited and encouraged the Saracens to attempt the conquest of his country. Ibid. p. 474, tome 2. p. 578.

(*n*) Revol. d'Italie, tome 2. p. 399, &c. Saint-Marc however ascribes to the influence of money the interposition of the pontiff in favour of Charles the Bald. Abrege Chronol. tome 2. p. 558.

(*o*) These were Pavia, Ivree, Turin, Cremona, Florence, Fermo, Verona, Vicenza, and Cividal-di-Friuli. Ibid. tome 1. p. 475.

(*p*) In the year 787 Charlemagne reduced the prince of Benevento to acknowledge himself his vassal; the submission was however but slight, and in the year 812 it was necessary to enter into a similar stipulation. Ibid. p. 412, 459. In the year 873 the principality submitted itself to the Greek empire, and ceased to have any connection with the kingdom of Italy. Ibid. tome 2. p. 554. However the princes of Benevento and Capua performed homage to the emperor Otho, and afterwards to Henry I. Ibid. p. 832, 1010.

(*q*) The Saracens of Sicily began to infest the coast of Italy in the year 833, or as soon as they had completed the conquest of that island; and having availed themselves of the opportunity of a war between the princes of Bene-

vento and Salerno, established themselves in Calabria soon after the year 840. Those of Spain, about the beginning of the following century, established themselves in a place at the foot of the Alps called Freinet, on the coast of Provence, from which they harassed the northern regions of Italy, beginning these incursions in the year 906. Hugh king of Italy, who had overpowered them, distributed them in the year 942 through the mountains which separated Germany from Italy, that they might hinder Berenger, his competitor for the throne, from bringing German troops against him; and they continued their ravages from their new stations. Ibid. tom 1. p. 483, tome 2. p, 500, 654, 702. These, having returned to Freinet, were exterminated by the count of Provence in the year 972. Ibid. tome 2. p. 848, 850. The Saracens of southern Italy and Sicily were overpowered by the Normans in the following century.

To the ravages of the Saracens were added those of the Hungarians, who made various incursions into Italy from the year 900 to the year 947. Ibid. tome 2. p. 644—795.

(r) See Mosheim's Eccles. Hist. cent. 10. part 2. ch. 2. "To a philosophic eye," says Gibbon, "the vices of the clergy are far less dangerous than their virtues," vol. 5. p. 155. It is indeed true that the vices of the clergy are far less

dangerous to such philosophy, as he unfortunately appears to have embraced: but even genuine philosophy might conclude that, in an ignorant and corrupted period, a series of able and exemplary pontiffs, if such could then have been advanced to the papacy, would almost necessarily have given an undue ascendancy to the Roman see.

(*s*) A priest contrived that she should effect her escape from her prison through a passage secretly made at the base of the tower, and then disguised herself and her attendant in the dress of men; a fishing-boat conveyed the three to a forest bordering the lake, where they subsisted during some time on fish, which a fisherman gave to the priest through charity; and Adelaide at length sent the priest to communicate her condition to the bishop of Reggio, who, being unable to protect her, recommended her to a chieftain, who had built a strong castle on some land belonging to the see, which he held as a fief.

(*t*) That chief was Alberic, the son of the infamous Marozia, who was the mother, grandmother, and great grandmother of three popes. The Romans, weary of her tyranny, made Alberic their sovereign, with the titles of patrician and consul, in the year 932. He remained master of Rome to the time of his death, which occurred in the year 954. His son Octavian

then, though an ecclésiastic, possessed himself of the supreme power, and two years afterwards usurped the papacy. Abrege Chronol. tome 2. p. 694, 713.

LECTURE XV.

Of the history of northern Italy, from the commencement of the permanent connection of the imperial dignity with the crown of Germany, in the year 962, *to the establishment of Italian independence by the peace of Constance, in the year* 1183.

Otho I. emperor	962
Otho II.	973
Imperial dignity vacant	983
Otho III.	996
Imperial dignity vacant	1002
Henry I.	1014
Imperial dignity vacant	1024
Commencement of Italian independence	
Conrad I.	1027
The commons of Italy rise against the nobles	1035
Empire vacant	1039
Henry II.	1046
Imperial dignity vacant	1056
Henry III.	1084

Imperial dignity vacant	1106
Henry IV.	1111
Imperial dignity vacant	1125
Lothaire II.	1133
Imperial dignity vacant	1137
Frederic I.	1155
League of Lombardy	1164
Peace of Constance	1183

The Henries and Conrad are numbered in the Italian series of emperors each less by an unit than in that of the German sovereigns, because one prince of each name had preceded Otho I. on the throne of Germany.

The last lecture contained a review of the causes, which formed the permanent connection of the imperial dignity with the crown of Germany: it is the purpose of the present to trace the operation of that connection on the state of northern Italy, its influence on the political interests of Germany being reserved for future consideration. The operation now to be examined will appear to have consisted partly in favouring the independence of the numerous states of northern Italy, and partly in assisting the ambition of the Roman pontiff, each of which would have been overborne and suppressed by an Italian sovereign, but was only animated and encouraged by the embarrassed

and ineffectual struggles of a German emperor.

It is remarkable that republican liberty, though carried to such an extreme in the northern part of the Italian peninsula, was originally established in its southern region, from which it appears to have been transmitted by the communications of commerce. In this respect the two portions of Italy exhibit a direct contrast. * The southern countries, favoured by their ambiguous situation on the frontier of the two empires, and by the commercial advantages of their position, were enabled to present instances of republican government, while those of the north were yet comprehended under the Italian kingdom and the domains of the empire; and on the contrary, they sunk under the ascendancy of the new kingdom of Naples, just about the same time in which the imperial authority was destroyed in the northern provinces, and these became divided into a multitude of free communities. Southern Italy accordingly presented the example of liberty, which was followed in the north; but northern Italy, the field of contention for the pontiff and the German monarch, was that in which the most strenuous and successful efforts of independence were naturally exerted. The latter indeed was the part of

* Lecture 20.

the peninsula in which the principles of improvement had been best protected, and could therefore be most successfully developed by the genial influence of freedom; as it was also that from which its fruits could be most directly communicated to the western countries of Europe.

The whole of Italy had suffered so grievously from the various disorders of the period preceding the advancement of Otho to the imperial dignity, that an interval of tranquillity appears to have been necessary for enabling it to undergo new agitations. Such an interval was afforded by the vigorous government of this able prince. His authority was firmly established * as far as the Tiber in the very commencement of his imperial dignity, and was soon extended almost to the extremity of Italy; and as he survived his elevation eleven years, a sufficient time was allowed for introducing a considerable degree of order in the place of the confusion which had so long prevailed. But the main operation of the government of Otho seems to have consisted in imposing a restraint, which excited against his successors the reaction of the Italian states. It is probable that in any case a resistance would have been soon exerted against foreign sovereigns; but the

* Revol. d' Italie, tome 3. p. 120—123.

jealousy by which it would be prompted, must have been strengthened by the experience of a vigorous and efficient exercise of the imperial power. Accordingly we find that * even from the death of the first of the Othos may be discovered manifest tendencies towards the establishment of independence in northern Italy; and its actual commencement may be distinctly marked at the death of the third prince, who succeeded him in his united dignities.

Otho the first was followed by two other princes of the same name, his son and his grandson; and these three, all brave and virtuous, exalted the name of Otho, and promoted the prosperity of (*a*) the new empire of the west. But the second of these princes was during eight years of his reign so occupied by the domestic disturbances of Germany, and by his war with the king of France for the sovereignty of Lorraine, that an ample opportunity was afforded for beginning those intrigues, which, after the lapse of two centuries, terminated in the independence of the confederated states of Lombardy. These naturally began in Rome, where the recollection of departed greatness long continued to haunt the imaginations of the people. The efforts of Roman independence were directed first against the authority

* Sigonii de Regno Italiæ, an. 973.

of the pope, who was the immediate superior, but they were soon converted into a struggle for the general independence of Italy. In the year 974 Cincio, or Crescentius, availing himself of the opportunity presented by the death of Otho I. headed an insurrection against the pontiff, and having put him to death, caused another to be appointed in his room. From this time the imperial city was the prey of contending factions until the year 981, when Otho II. found leisure for an Italian expedition: the emperor however soon afterwards engaged in an unfortunate expedition into the southern countries of Italy, from which he with difficulty escaped to Rome, where he soon terminated his life.

Otho III. being only three years old at the death of his father, a minority ensued most favourable to the revolutionary spirit at this time arising in Italy, and that country accordingly became again agitated by the efforts of faction. In this interval * Crescentius, with the title of (*b*) consul, was master of Rome, and held the pontiff in such subjection, that the latter urgently solicited the German monarch to come to his relief. Otho III. arrived in Rome in the year 996, when he received the imperial crown, and two years afterwards caused Crescentius

* Abrege Chronol. tome 2. p. 880, 906.

to be put to death. But * neither the death of this demagogue, nor the successive elections of two pontiffs attached to the imperial interests, could secure the tranquillity of Rome; new disturbances arose in this city, and also in others which already began to assume a republican government, insomuch that Otho was obliged to undertake a third expedition into Italy, in which he died, as is supposed, by poison received from the widow of Crescentius. This prince, dying without issue, closed the hereditary succession of emperors, and left in the competitions of an elective throne a still more favourable opportunity for the gradual developement of the changes of Italian politics.

The death of the last of the Othos, which occurred in the second year of the eleventh century, introduced an age rendered memorable, as Muratori † has remarked, by a very remarkable revolution in the governments and manners of Italy, and above all by the great struggle between the papacy and the empire. The eleventh century was indeed the period of the restoration of Italy. It appears to have been the destiny of this interesting country, to furnish from its internal agitations those principles of activity, which might spread over the whole of

* Revol. d' Italie, tome 3. p. 149, &c. † Annali d' Italia, tomo 6. p. 1.

western Europe the combination of a complicated policy, the industry of manufacturing ingenuity, the elegance of the arts of imagination, a taste for the literature of antiquity, and the ambition of rivalling the classic models in a modern language. To such a destiny the steady tranquillity of a large and well regulated government would have been wholly unsuitable. Those principles of mental activity could have been developed only amidst the agitations of a multitude of little states, disturbed within by the struggles of contending factions, and labouring without for dominion, or for security. The contentions of ancient Greece diffused over the world the first energies of philosophy, literature, and the arts; and those of modern Italy renewed the moral activity of Europe, which had been lost in degeneracy and barbarism.

The immediate consequence of the death of Otho III. was a revolution of government, which tended to the establishment of Italian independence. * While Germany was distracted by the competition of rival candidates for the throne of that country, a domestic candidate, Ardoino marquis of Ivrea, aspired to that of Italy, and caused himself to be elected king. The miseries of a resident tyranny soon produced a re-

* Abrege Chronol. tome 2. p. 934, 936. Revol. d'Italie, tome 3. p. 163.

petition of their former effect, and a party was accordingly soon formed in support of the pretensions of Henry I, the new German sovereign; the coarseness and brutality of the German manners however proved not less offensive to the people of Italy, than the more refined oppression of their countryman; and the Italians, disgusted and alienated by both, were naturally impelled to seek in independence the only remaining expedient of relief. This struggle lasted a considerable time. Ardoino, who had been advanced to the throne of the Italian kingdom in the year 1002, * retained some portion of power to his death, which occurred in the year 1015; and Henry, though his authority was never very firmly established, continued to his death to be respected as the sovereign of the north of Italy. But as soon as the Italians heard of the death of Henry, which happened in the year 1024, that spirit of liberty, which had been fostered in the contention of the rival princes, was unequivocally manifested. In that contention † the people of Lombardy began to employ arms in their mutual quarrels; and ‡ the emperor Conrad, who succeeded Henry, found himself accordingly obliged to suffer all the states of that country

* Abrege Chronol. tome 2. p. 978. † Annali d'Italia, tome 6. p. 42. ‡ Ibid. p. 74.

to wage war without consulting him, and without committing their forces to the command of any of his officers. This natural tendency of the competition of Ardoino and Henry was assisted by the efforts of the Roman pontiffs, who, * always occupied in prosecuting their ancient plan of independence, were careful to foment all the discontents of the people.

The formation of the Italian republics was proximately the result of the decay of the nobility. † That order had begun to be considerable in the new Italian kingdom, when Charles the Bald of France aspired to the crown; because the kingdom became then visibly elective, and every election furnished an opportunity of extorting some new concession. At length, when Lombardy became divided between two parties, each having a king at its head, the liberty of the great vassals was carried to licentiousness. It even became a maxim of Italian policy, that two kings should always be elected, for the purpose of opposing each to the other, and thereby retaining both in a state of mediocrity and weakness: and the same disposition was also the motive, which impelled the Italian princes so frequently to invite the kings of Germany to take possession of the crown, as

* Abrege Chronol. tome 2. p. 1018. † Revol. d'Italie, tome 3. liv. 9. ch. 11.

they hoped from the long absences of these monarchs still more favourable occasions for enlarging and establishing their own authority. But their policy produced effects injurious to the interests which they designed to secure. The sovereigns, to encrease the number of their adherents, became lavish of the distinctions of nobility: marquisates and counties were accordingly multiplied without end; and the territories attached to the ancient dignities were dismembered to supply new districts for the new appointments.

It has also been justly remarked by Denina, that the same circumstances, (*c*) which had retarded until the year 1037 the adjustment of the feudal system in Italy, assisted in preparing the causes of that general revolution, which afterwards rendered the situation of this country so different from that of the rest of Europe. It is true that even in the ninth century children were already possessed of the privilege of succeeding to the fiefs which had been held by their parents; but under the successors of the Carlovingian princes the contrary usage prevailed, and the great governments became absolutely removable. The arbitrary disposal of the first and most important governments of the kingdom, must effectually have preserved it from being divided into three or four hereditary and independent principalities, and must there-

fore have contributed to facilitate the changes, by which it became divided into a considerable number of petty republics.

But that which principally contributed to the downfal of the great duchies and marquisates, and weakened the sovereign equally with his vassals, was the prodigious aggrandizement of the ecclesiastics. Even after the failure of the French line of kings the donations presented to the churches and monasteries of Italy were immense. Nor did these donations encrease the power of the clergy merely by the general influence accompanying wealth and splendor, but also conferred a direct authority over a multitude of peasants employed in the cultivation of the lands which they conveyed, an authority confirmed by the privileges, which the bishops and abbots obtained of the kings. The progressive encrease of these ecclesiastical fiefs was also favoured by causes peculiar to the situation of the clergy. They were not, like those of the laity, exposed to dismemberment, or subjected to the changes attending revolution. No question of partition ever arose from the competition of rival candidates; nor could the king displace, or transfer, bishops at his pleasure, like marquises and dukes: each prelate succeeded of common right to the same degree of authority, and to the same extent of territory, which had been enjoyed by his pre-

decessor; whereas the death of a lay-lord, who either left no children, or left more than one, was always followed by some division or other change of his estates. This advantage of the ecclesiastical fiefs was indeed occasionally balanced by the aggrandizement of the lay-lords, who sometimes encreased their power by usurped possessions, sometimes by obtaining grants of abbeys, and sometimes by effecting an union of several fiefs or governments. But the ecclesiastics possessed another advantage, which was much more decisive, that of uniformity of plan. They all advanced by the same path to the same object. Adding continually, by this uniformity of conduct, to the respect naturally connected with their sacred functions, and to the importance inseparable from their exclusive possession of the learning of the age, the new privileges which their greater command of money enabled them to purchase of the kings, the greater part of the bishops became at length the chief, and almost the only governors of the cities, in the place of the counts who before had possessed the administration. This progress was so rapid, that in the beginning of the eleventh century, when Ardoino and Henry contended for the kingdom of Lombardy, scarcely one or two lay-princes could be found among the nobility of Lombardy. The go-

vernment had then become properly an ecclesiastical aristocracy.

The power of the clergy however contained within itself the principles of its own destruction; and when it had been instrumental in depressing the lay-nobility, necessarily yielded in its turn to the ascendancy of republican government. Their aggrandizement operated to their prejudice in a two-fold manner, at once exciting against them the envy and animosity which naturally accompany the exercise of high authority, and by detaching them from their sacred functions, enfeebling those sentiments of respect and confidence, which had been the original of their power. The lay-nobility too, already jealous of the usurpations of the ecclesiastics themselves, were exasperated at seeing them bestow upon their relatives the various offices of their temporal jurisdictions; and even the creatures of a deceased prelate, seeing themselves in danger of being stripped of their authority by his successor, were forward to inveigh against the very practice, to which they had themselves been indebted for what they possessed. These various causes united the nobility and the people against the temporal power of the bishops, which they never ceased to attack, to dismember, and to weaken, and which in more than one instance they wholly annihilated.

When such causes had disposed the northern

provinces of Italy to divide themselves into that multitude of little independent states, which (*d*) began to be formed in the eleventh century; the impulse of the revolution was given by the papacy in its great struggle with the imperial dignity of the German monarchs. This it was, which supported in every district an independent party; and this it was, which finally ruined the authority of the emperors, and left the cities of Italy free to indulge themselves in the schemes of their ambition. The northern provinces of Italy were the chief theatre, on which the ecclesiastical and imperial supremacies contended for pre-eminence, though the struggle was also extended to the parties of the empire: in their changes then may chiefly be discovered the influence of that relation, which formed Germany and Italy into one of the two great combinations of the middle ages of Europe.

The pretensions of the papacy were first entirely developed in the eleventh century. Then was first proposed to the Christian world the audacious claim of universal dominion, not merely in spiritual, but also in temporal concerns; and so well contrived was the system of agency by which it was maintained, that even at this day, after all the philosophy of the eighteenth century, it seems to require only a favourable opportunity for displaying itself with all its original boldness. Indeed the inference

from spiritual to temporal dominion appears to be conclusive; (*e*) for if men will submit to be blindly governed in the infinite concerns of their everlasting existence, there seems to be no good reason why they should attempt to withdraw from the direction of the same rulers the interests of the present transitory life, which are important only in their relation to the former. Nor can any thing be more natural than that the same persons, who were allowed to exercise so mighty an empire over their fellow-creatures as the dominion of the soul, should be disposed to extend it over the little reserve of temporal freedom, which mankind were still anxious to retain.

The power of the Roman pontiffs had been much augmented since the time of Charlemagne, and was then well prepared for the contest. However insecure was their domestic authority in Rome, their dominion over the church was improved and extended by various occurrences, because their power was founded, not on human strength, but on human opinion. The advancement of Charles the Bald to the imperial dignity in the year 876, which was the act of the pontiff, was the first remarkable occasion; and * the succeeding pontiffs were accordingly in return authorized to receive consecra-

* Mosheim's Eccles. Hist. cent. 9. part 2. ch. 2.

tion without waiting for the consent of the emperors, a privilege retained until the reign of the first of the Othos. The contentions which arose in the decline of the family of Charlemagne, were yet more auspicious to their ambition, and their power accordingly made a continual progress. The papal power was indeed repressed and controlled by the ascendancy of Otho; but this ascendancy, created by the personal qualities of the German monarch, soon yielded to the embarrassments of the ambiguous relation of the empire and the papacy, especially as the pontiffs had been careful to collect a number of pretensions, ready for every opportunity which might present a prospect of success. These pretensions were all recorded in (*f*) the fabricated Decretals, which were ascribed to the popes of the three first centuries, but had really been forged and published in the beginning of the ninth: the human understanding had indeed even in that age of ignorance resisted so manifest a fiction; but the pontiffs persisted in maintaining their credit, and at length found in their establishment an ample basis for all their usurpations.

The power of opinion, great as it was, might not however have been sufficient for the violent contest, in which the papacy was involved, if it had not been reinforced by a temporal auxiliary; but such an ally was seasonably provided in

(*g*) Matilda marchioness of Tuscany, who attached herself to the see of Rome with the ardour of a devotee, and finally bequeathed to it those possessions, which constituted what was afterwards denominated the patrimony of Saint Peter. Animated against the German court (*h*) by a sense of private wrong, Matilda appears to have been at the same time actuated by a sincerity of zeal, which (*i*) even exceeded that of the pontiff, whose cause she had embraced. Nor was this the only temporal support, which the Roman see received in this trying emergency. The sovereignty formed about this time by the Normans in the southern provinces of Italy, though at first regarded with apprehension and alienation, was soon discovered to afford an useful asylum against the fury of the emperor, and, in the exchange of ecclesiastical for temporal protection, (*k*) was even brought to acquiesce in the rank of a feudal dependency of the see of Rome.

The Italians at the death of the emperor Henry I. redoubled their efforts to throw off the yoke of German sovereignty; but having failed (*l*) in two attempts to induce a French prince to accept such a precarious and unsatisfactory dignity, they at length acquiesced in the advancement of Conrad, who had been recently elected king of Germany. Though the reign of this emperor lasted twelve years, the wars which

he was obliged to wage in Germany and France, did not suffer him to pass much of that time in Italy. The ninth year of his reign, or the year 1035, was accordingly (*m*) the epoch of the insurrection of the commons of Italy against their lords. Destitute of the protection of their sovereign, the people of Milan declared that they would seek protection in their own courage, and their bold example was imitated throughout Italy.

Conrad was succeeded on the throne of Germany by his son Henry, who was detained six years in that country before he could visit Italy for the purpose of receiving (*n*) the crown of the empire. These continued absences appear to have been agreeable to the Italians, Henry having been not only admitted to the imperial dignity without opposition, but even permitted to act with authority before the solemnity of his coronation. He was favoured indeed by the deplorable situation of the Roman see, * at that time reduced to extreme indigence by the depredations to which it had been exposed, and yet more degraded by the competitions of three rival pontiffs, all pronounced by a council to have been simoniacal intruders. In such circumstances, even before his coronation, † Henry

* Annali d'Italia, tomo 6. p. 135, 136. † Abrege Chronol. tome 3. p. 120, 122.

convened the council, by which the competitors were deposed; he then procured the election of a German bishop, who assumed the name of Clement II; and was immediately crowned as emperor by the new pontiff of his own creation. (*o*) A council was soon afterwards assembled, which rendered the appointment of future pontiffs wholly dependent on the emperors; and Henry was able to render this regulation operative (*p*) in three successive instances, in each of which a German prelate was advanced to the papacy. This predominant sway of the German monarch was however a forced state of things, serving only to prepare the occasion of the violent contention, which soon arose between the papal and the imperial powers; the spring was by some special circumstances strongly compressed, that it might recoil with more expansive energy as soon as that compression should have been removed; and it was removed in the manner most fitted to allow its entire effect to the reaction, the premature death of the emperor being succeeded by a long minority of his son.

The following reign, that of Henry III, or according to the German historians Henry IV, was the memorable period of the struggle of the ecclesiastical and temporal authorities, which was waged indeed in every state of western Europe, but was more particularly directed

against the German emperors. The combination of the German crown with the imperial dignity, and its consequent relation to the papacy, furnished an occasion for more vigorous and successful efforts of ecclesiastical usurpation, than could be exerted in other circumstances; and the German government itself, in which the crown with great apparent dignity had little real power, and the formidable principality of Saxony (*q*) was hostile to the sovereign, was more than any other capable of being shaken by the aggressions of the see of Rome. In the contest with these princes therefore was chiefly manifested, for the instruction of the world and of posterity, how far the claim of ecclesiastical dominion may be extended, when the human mind has once permitted itself to be subdued.

Henry III. at the death of his father was but six years old. A long minority therefore began his reign over his Italian kingdom, of which he had been crowned king conjointly with his father, and afforded a most advantageous opportunity for preparing the aggressions, by which he was afterwards so strenuonsly encountered. Muratori has accordingly (*r*) noticed this minority as the very crisis of the most horrible convulsions both of Italy and Germany, but particularly of a revolution, which changed by degrees the entire face of the former country.

Nor was the opportunity confined to the weakness generally attending a minority, since * in the second year of it began those domestic dissentions of Germany, which sixteen years afterwards were matured by the papal influence into the formidable revolt of the Saxons, and constituted an effectual diversion of the power of the emperor.

Pope Gregory VII, the famous Hildebrand, who maintained this desperate conflict, was a champion in every respect qualified to wage the battle of the Roman see. Unimpeachable in his morals, for (*s*) the accusations of his enemies do not appear to have deserved any serious regard; respectable for his literary attainments, though not entitled to be considered as a professed scholar; and insensible to all the personal privations and sufferings, to which he became exposed; he seems to have been sincerely persuaded, that his insatiable thirst of dominion was the genuine dictate of religious zeal, and that the kingdom of Jesus Christ, in contradiction to his own express declaration, was a kingdom of this world, and even one which overbore all other kingdoms. Far unlike to the mild dominion of the heart, which was claimed by our Redeemer, that to which he aspired was rather the tempting object of world-

* Histoire d'Allemagne par Pfeffel, tome 1. p. 202.

ly ambition, which Satan offered in his temptations, on the condition of receiving the adoratioo of Christ: and yet so entirely was the soul of Gregory engrossed by the persuasion of the justness of his views, that he boldly ventured (*t*) to denounce present prosperity and adversity as the sanctions of his government, a denunciation (*u*) in one remarkable instance most unequivocally falsified.

Nor was the struggle of this pontiff confined to the mere contest for supremacy with the emperor; it was, on the contrary, a comprehensive plan of aggrandizement, embracing all the various means, by which that great end might be effectually attained. While he contended with the emperor for the mastery of power, he contended with the clergy for the enforcement of (*v*) celibacy, and with human reason itself for the doctrine of (*w*) transubstantiation. These indeed were the true engines of the papal greatness. If he could tear the clergy from the social ties of life, he was sure to find willing agents of his priestly ambition; for the human mind must create for itself an interest of some kind or other, and will attach itself more strongly to an order, if it be separated from all domestic obligations: and if he could subdue the understanding to the admission of the great priest-exalting contradiction, he was sure to find the laity willing victims of his enterprises; for

who can withstand the demands of persons supposed to be capable of creating the divinity at their pleasure? His plan therefore, though he died (*x*) in exile, was in a very considerable degree successful. The doctrine of transubstantiation indeed could not be brought to its maturity before the last age of the ignorance of Europe, of which it was the genuine production; but he did succeed (*y*) in enforcing celibacy; and if the claim of supremacy was afterwards compromised, it had at least shaken the empire to its foundation, and wrested from it the independence of Italy.

Nor were the plans of this extraordinary man limited to the German government, with which his see was more intimately connected, or to those two principal engines of his ambition; but they also comprehended every state of Europe, and every expedient of authority. (*z*) France, England, Spain, Denmark, Russia, Hungary, Dalmatia, and Sardinia, all received demands of obedience from the see of Rome, though with very various success: the great enterprise of the crusades, that triumph of superstitious zeal, * appears to have been projected by Gregory VII, twenty-two years before it was actually undertaken; and (*aa*) by this pontiff was issued the first of those prohibitions of per-

* Abrege Chronol. tome 3. p. 614, &c.

forming the service of the church in the language understood by the people, which were so effectual to ensure their ignorance and submission. His papacy, which began in the year 1073, and ended in the year 1085, was therefore the important period, in which the see of Rome put forth its energies: and so well devised were (*bb*) the maxims by which his conduct was regulated, that (*cc*) they were formally resumed in the latter part of the seventeenth, and the earlier part of the eighteenth century; and even in the nineteenth our own country appears to recur to the very principle of the contest, by which his government of the Roman see was most eminently distinguished.

Hildebrand did not enter upon his pontificate without (*dd*) a series of precursors beginning in the year 1048, each of whom suffered himself to be guided by his counsels; and (*ee*) twenty-five years before the commencement of his own pontificate, he suggested a measure by which the way was prepared for his enterprises. Henry III. was indeed permitted, in the fifth year of his reign, to choose for the papacy the pontiff, who assumed the name of Nicholas II: but this very pontiff signalized the commencement of his papacy by a decree, which may be regarded as the declaration of hostility between the church and the empire. * This decree en-

* Abrege, Chronol. tome 3. p. 278, 280.

joined that, when the papal see should be vacant, the cardinal-bishops should secretly deliberate on the choice of the pontiff, who should afterwards be proposed for the approbation of the rest of the clergy, and of the people; and that so long as proper candidates could be found among the clergy of Rome, they should be preferred to those of foreign churches: a clause was indeed annexed, which professed to reserve the rights conceded to Henry III; but it was at the same time intimated, that those rights were confined to his own person, as being derived from a concession made particularly to this prince. The death of Nicholas II. having occurred soon afterwards, Henry named to the papacy the bishop of Parma, who assumed the name of Honorius II; but the new party animated by Hildebrand, who had himself been formerly delegated to the emperor, to choose a pope with his approbation, elected in opposition to Honorius another pontiff, who adopted the name of Alexander II. The latter, who survived his rival, was succeeded by Hildebrand himself, under the name of Gregory VII.

Hildebrand, though he had recently instigated the election of a pope in opposition to the imperial nomination, * was careful to procure for himself the sanction of the approbation of

* Abrege Chronol. tome 3. p. 552.

the emperor, probably because he feared lest the want of it might be alleged to invalidate the daring measures, which he meditated. When this had been obtained, he ceased at once to dissemble, and boldly (*ff*) manifested the plan which he had formed, of withdrawing the clergy from the authority of secular princes, of rendering the empire in particular dependent on the Roman see, of subjecting all governments in general to the priesthood, and of establishing at Rome (*gg*) a perpetual synod for the administration of the affairs of Europe. But the immediate subject of his contest with Henry was the famous question of investitures, or of the right exercised by secular princes of admitting the superior clergy to the temporal possessions annexed to their benefices. All such investitures were, * for the first time, in the year 1075, condemned by Gregory as simoniacal; and Henry was required to vindicate his conduct at Rome, before a council summoned by the pope. The requisition was treated with contempt, and (*hh*) in two national synods, the one convened at Worms, the other at Pavia, Gregory was declared to have incurred the forfeiture of his see, for having presumed to constitute himself the judge of his sovereign, as well as for various other offences. Gregory,

* Annali d'Italia, tome 6. p. 211.

not intimidated by this bold proceeding, hurled against Henry the sentence of excommunication, and, not content with this most extraordinary, and (*ii*) almost unprecedented measure, he proceeded to the (*kk*) confessedly unexampled extravagance of deposing the emperor from his governments of Germany and Italy, and exhorting the princes of the former country to elect another sovereign (*ll*) in conjunction with the papal see. In this great struggle the imperial dignity was forced to yield to the ascendancy of Rome. Henry, (*mm*) when he had submitted to the most abject humiliations, and experienced all the disturbance which the papal intrigues could excite against his authority, at last sunk under the rebellion of his son, and abdicated the empire.

The contest however did not end with the ruin of this emperor; for, though his son Henry had availed himself of the power of the church, to expel his father from the throne, yet when he was himself seated on it, he adopted the same sentiments, and maintained the same resistance to the pretensions of Rome. At length in the year 1122 it was compromised by the * concordate of pope Calixtus II. By this convention the emperor renounced the power of nominating to benefices, and re-established the

* Abrege Chronol. tome 4. p. 1093, 1094.

ancient form of canonical elections: and the pope on his part, consented, that these elections should be held in the presence of the emperor, who should have the right of deciding in doubtful cases; that, instead of the ancient form of investiture by the cross and ring, bishops and all other beneficiaries immediately subject to the emperor should be invested with their temporalities by the sceptre; and that all such beneficiaries should be obliged to render to the emperor all the services connected with their fiefs. Schmidt, in * his history of Germany, has made an observation in regard to the elections stipulated by this concordate, which exhibits a remarkable example of the blindness of human precaution, We may easily suppose, says the historian, that Charles V. would not have named to bishoprics persons who maintained a doctrine proscribed by his edicts; but the pontiff, in his struggle for power, established the elections of the bishops, and these elections, at the expiration of four centuries, afforded opportunities for introducing into the higher stations of the church of Germany the proselytes of a reformation, which effectually reduced the dominion of the papacy.

The troubles which were excited by the court of Rome in (*nn*) the long reign of Henry III,

* Histoire des 'Allemands, tome 3. p. 272. Liege 1784, &c.

presented an occasion, of which * many cities of Lombardy eagerly availed themselves for asserting their independence. Milan, † which since the time of Charlemagne had been the first of those cities, was their leader in this revolution. Naturally jealous of the neighbouring city of Pavia, which had been the ancient capital of Lombardy; and yet more adverse to it in consequence of the contention of Henry and Ardoino for the crown of Italy, in which they had attached themselves to opposite parties; it had already waged war with its rival, as if it had been wholly free from the control of a superior authority, and, though it continued to acknowledge the sovereignty of the emperor, had at length adopted a republican form of interior administration, in which it was followed by various other cities. The very name of the Italian kingdom was (*oo*) suppressed in the year 1099, when Henry, son and successor of the emperor Henry III, was declared king of the Romans, instead of being named king of Italy.

Scarcely however ‡ had the cities of northern Italy attained to a state of independence, when they became involved in mutual contentions, and the history of their country became a confused assemblage of petty hostilities. This is

* Annali d'Italia, tomo 6. p. 353, 354. † Revol. d'Italie, tome 3. p. 381, 382. Abrege Chronol. tome 2. p. 968. Annali d'Italia, ubi supra. ‡ Annali d'Italia, tomo 6. p. 419.

unhappily the general tendency of mankind. Rarely is the desire of independence suggested by a love of equal right, which respects the liberty of others, while each community contends for its own; it is most commonly but the struggle of incipient ambition, which first aspires to be equal, and then cannot be satisfied without becoming superior. Nor does the history of the little states of Italy differ in any other respect from the general history of the world, than in being the narrative of efforts of ambition exerted in a narrower compass, and by communities so inconsiderable that the passions of individuals were personally excited. But however irksome must be the details of this hostility, it was the active fermentation out of which were produced the best principles of modern improvement. The wars of larger nations afford the forcible compressions, by which great masses of mankind are held together in society: those of petty communities, in which the energies of individuals are most stimulated, because every individual is in them of a relative importance, serve also to develope the principles of human refinement, by which the larger societies are afterwards improved. The contentions of the little nations of Greece drew forth all the various powers of the human genius, which were adopted into the magnificence of imperial

Rome, and diffused throughout the world as the compensations of her conquering ambition.

All that was wanted for completing the revolution of Italy, was that the powers which its states had assumed should be guaranteed by an express stipulation; and this was soon supplied in the progress of the politics of that country. This consummation of the independence of the Italian states was effected by a process, the earlier part of which permitted their liberties to acquire consistency and strength, and the latter provoked them, by a sudden extension of the power of the empire, to efforts which ended in a formal acknowledgment of their freedom.

Henry IV, who concluded the concordate with the pontiff, was during the three remaining years of his reign * occupied by the disturbances which continued to agitate Germany not less than before, and, after an interval of eight years, was succeeded in the imperial dignity by Lothaire II, who held it only four. The reign of Lothaire, short as it was, presented indeed some interruption to the completion of Italian liberty, † as in two incursions he subdued with rapidity almost the whole peninsula; but it will be shown in the twentieth lecture, that this momentary obstruction had a relation to another operation which was then beginning, the forma-

* Abregé Chronol. tome 4. p. 1096. † Ibid. p. 1138, &c.

tion of (*pp*) a connection between the German empire and the sovereignty recently erected in the south; and its immediate influence was favourable to the independence of Italy, for the Sicilian monarch, alarmed at this dangerous inroad, employed himself in exciting disturbances in Germany, which effectually disabled Conrad III, the successor of Lothaire on the German throne, for even visiting Italy to receive the crown of the empire. In the second year of the reign of Frederic I, which followed that of Conrad, the invasion occurred, which provoked the exertions of the Italian republics, and ended in the recognition of their liberties. It appears from this statement, that of thirty-two years, which elapsed between the concordate of Henry IV. and the first expedition of Frederic I, the whole might be considered as a sort of interregnum of the empire, except only the three in which Italy was overrun by Lothaire; and it appears from the table prefixed to this lecture, that during all except six the imperial dignity was actually vacant. The northern states of Italy were accordingly during this time abandoned almost entirely to themselves; their independence became gradually more and more firmly established; and they were at length prepared for the crisis, which rendered it complete.

The occasion of the expedition of Frederic I,

which was in its consequences thus decisive of the fortunes of Italy, was furnished by the ambition of the Milanese. * As Milan had been the first of the cities of Lombardy in asserting its independence, so was it that which first attempted to subjugate the surrounding cities. Some of these, as Lodi and Como, were reduced to absolute servitude; others, as Pavia and Cremona, were harassed by the continual attacks of the Milanese; and all were justly filled with jealousy and apprehension. It was particularly in the reign of that Conrad, who, though possessed of the German crown, never found leisure for obtaining the crown of the empire, that the people of Milan indulged their ambition to the greatest excess. This prince, whom they had supported in his contest with his predecessor, was so sensible of their power, that he carefully avoided every interference with their plans of aggrandizement, being already sufficiently occupied by the disturbances of Germany. But Frederic, a prince of a bold and enterprising character, having ascended the throne in very different circumstances, availed himself of the general alarm excited by the ambition of the Milanese, to establish, in even more than its former authority, the dominion of the empire. (*qq*) Combining in his own person the rival

* Revol. d'Italie, tome 3, p. 381, 382.

pretensions of two great families, which had distracted Germany, he was enabled to exercise a degree of power, which his predecessors had not dared to hazard, and the solicitations of some cities and many individuals of Italy, aggrieved by the usurpations and tyranny of Milan, afforded as favourable an opportunity as an ambitious emperor could desire.

Frederic, having entered Italy about two years after his accession to the crown of Germany, immediately commenced hostilities against the Milanese; but, as he was desirous of receiving the imperial crown, he proceeded to Rome, from which place however he was soon compelled to withdraw his army into Germany, to save it from the ravages of the climate. Three years afterwards he undertook a second expedition into Italy, and, having been joined by the forces of many cities, began the siege of Milan with an army exceeding an hundred thousand men. That city having been forced to submit on a capitulation, one of the conditions of which was that certain royalties should be transferred to the emperor, Frederic soon afterwards assembled an Italian diet, to which were summoned (*rr*) four celebrated professors of the civil law, at that time taught in Bologna; and there, agreeably to the principles of the Roman jurisprudence, and to the wishes of the prince, it was solemnly pronounced, that the emperor

might justly claim all the regalities without exception. So much success might have satisfied an ordinary ambition; but Frederic could not be contented without the total humiliation of the Milanese, whom (*ss*) he had determined to render an example of terror to their countrymen. * In disregard of the capitulation, he took from them other territories besides those which they were bound to relinquish: he then required them to suppress their consulate, and to create a new magistrate, to whom he gave the name of *podesta*, though the consuls had been allowed by the capitulation, subject however to the condition of receiving from the emperor a confirmation of their appointment: and at length, irritated by their resistance, or impatient of any longer forbearance, he declared the people of Milan to be enemies of his crown. The war was accordingly renewed, and the total destruction of this considerable city having been effected in the year 1162, every thing then yielded to Frederic, whose authority was completely established from the Alps to Rome.

All this prosperity however but afforded an example of that reaction, which prevails in the political as in the physical world, and has so frequently frustrated the enterprises of a too grasping ambition: for the extraordinary aggran-

* Abrege Chronol. tome 5. p. 196, 198.

dizement of the imperial power was the immediate occasion of the independence of those very states, which were at this time reduced to such abject dependance. * But two years afterwards the cities of Lombardy, galled by the oppressions of the imperial ministers, and regretting the privileges of which they had been deprived, began to confederate for their mutual protection; and after two years more, though they still professed to retain their fidelity to the emperor, they ventured to rebuild the city which he had so recently caused to be destroyed. (*tt*) Ten years the war had continued between the (*uu*) confederates and the emperor, when a signal victory was obtained by the former; a truce was then concluded for six years; and at the expiration of this period, † in the year 1183, was arranged at Constance a final pacification, by which the Italian cities were confirmed in the possession of their former privileges, nothing being reserved to the emperor except the mere sovereignty, and some rights of inconsiderable importance.

The state of these cities at this time may be collected from the account which a few years before had been given by ‡ the bishop of Frisinghen, uncle of the emperor Frederic. They

* Abrege Chronol. tome 5. p. 264. † Ibid. p. 402, 404.
‡ Annali d'Italia, tomo 6. p. 510.

were by him described as having in their manners and language recovered much of the politeness of the ancient Romans; as so ardently attached to liberty, that they would submit to be governed only by consuls annually elected out of all the different orders of the citizens; as having so effectually overpowered the nobility, that they compelled them to reside within their walls, and to become subject to their judicatures; as having, to the astonishment of the writer, who saw nothing similar in his own country, admitted into their militias artists of every, even of the lowest description; and as having, by this liberal encouragement of industrious ingenuity, become much more rich and powerful than those of other countries. Thus circumstanced, they were prepared for agitations, which might produce the most splendid and beneficial results; the contentions of communities such as these could not fail to elicit principles of activity fitted to improve the social state of man, and to exalt the powers of his genius.

The crusades, which began in the year 1096, and (*vv*) were terminated in the year 1291, were, during nearly the half of their period, contemporary to the events which have been considered in this lecture. But though the great spring of these extraordinary and interesting expeditions was the ecclesiastical in-

fluence of the see of Rome, Italy was scarcely affected by them, except as they opened new facilities for its commerce, * the Italians having been led into the east scarcely by any other motive than a spirit of commercial enterprise. The prevailing manners of Italy were those of cities, not of a chivalrous nobility; and commercial, not chivalrous enterprise, was the favourite object. In this view however the crusades were curiously connected in time with the events which I have just now reviewed; for we may observe the independence of the northern states of Italy preparing itself for the valuable opportunities of traffic presented by these memorable expeditions, the commencement of the distracted minority of Henry III. having preceded the first of them just forty years.

* Essai sur l'Influence des Croisades, par A. H. L. Heeren, p. 39. Paris 1808.

(*a*) That empire, strictly considered, comprehended at this time only the duchy of Rome, the exarchate having been annexed to the kingdom of Italy; but on account of the connection formed with the crown of Germany, it insensibly became confounded with the monarchy of that country.

(*b*) The office of consul appears to have been

restored in the year 932, when the Romans, weary of the tyranny of his mother, the profligate Marozia, declared Alberic patrician and consul. Abrege Chronol. tome 2. p. 692, 694.

(*c*) In that year Conrad issued several ordinances, to regulate the condition of rear-vassals, who were then rising into importance. These are stated by Pfeffel to have been: 1. that they should not be deprived of their fiefs except by a judgment of their peers; 2. that grandsons should succeed in failure of sons, and brothers in failure of direct heirs; and 3. that the lords should not alienate the fief without the consent of the vssal. These, he adds, related only to the fiefs of Italy. Abrege Chronol. de l'Hist. d'Allemagne, tome 1. p. 187. Thus it appears that, when the system was adjusted, it was found necessary to render it favourable to the inferior orders.

(*d*) Saint-Marc has noticed the revolts of the people of Milan and Cremona against their respective bishops, the former of which occurred in the year 991, and the latter about the same time, as the preludes of these efforts of liberty. Abrege Chronol. tome 2. p. 898.

(*e*) This argument was actually employed in support of the papal pretensions. "If," said Gregory VII, "the apostolic see, by the sovereign power which it has received from God, judges of spiritual things, why should not tem-

poral things be in the same manner submitted to its judgments?" The abbe Fleury has remarked, that the argument proves too much; for if they who have a right to judge of spiritual affairs, have therefore a right to judge of those of a temporal nature, there ought to be no other than ecclesiastical judges or governors. Ibid. tome 3. p. 715, 716.

(*f*) These were first published by Riculphus bishop of Mentz, who died in the year 814. It is commonly believed that he brought them from Spain, since the collection bears the name of Isidorus; but as various passages have been taken from the proceedings of councils, and the writings of several persons, subsequent to his time, the compilation could not have been the work of Isidore archbishop of Seville, who died in the year 636. Some part indeed of the collection must have been added after the death of Riculphus; and it is probable that Benedict, a deacon of the church of Mentz, who made a collection of canons by the order of the successor of Riculphus, completed these decretals. Hincmar archbishop of Rheims, with the French bishops, even in that ignorant age resisted them as destitute of authority: they were however adopted and maintained by the court of Rome so strenuously, that they were at length practically established, though they were always questioned by the learned. Dupin observes,

that they may serve as a remarkable example, both of the credulity of preceding ages, and of the impudence of impostors. Hist. of Eccles. Writers, vol. 1. p. 583. Engl. Transl. Dublin 1723. It was pretended that they had been composed by the popes preceding the year 385. Hist. des Allemands par Schmidt, tome 2. p. 249.

(*g*) Beatrice, the mother of Matilda, was descended from the royal family of France. She married Boniface, duke and marquis of Tuscany, probably in the year 1036. Boniface died in the year 1052; and at the close of the following year Beatrice married Godfrey duke of Lorraine, who retired into Italy in resentment of a wrong which he had suffered from the emperor. Godfrey died at the end of the year 1069. He had however been but administrator and co-regent of the estates of Beatrice; and the case of his son Godfrey, who married her daughter Matilda, was the same. Beatrice died in the year 1076, having governed jointly with her daughter ten years, as the latter became of full age in the year 1066. Godfrey the younger died in the same year with Beatrice; so that Matilda remained sole possessor of the estates of her family. In compliance with the recommendation of Pope Urban II, she married in the year 1089, Welf, son of the duke of Bavaria, who separated from her in the year 1095:

she had probably become tired of a colleague, when the affairs of Henry III. were ruined; and he had perhaps discovered, that she had, in the year 1077, made a donation of all her possessions to the see of Rome. She died in the year 1115. Saint-Marc conjectures, that in the contract of the marriage of Beatrice and Boniface there had been, on account of her birth, a stipulation for that peculiar authority, which she exercised in conjunction with her daughter Matilda, and to which her daughter succeeded. Abrege Chronol. tome 4. 1198, &c. The first donation of the possessions of Matilda was made to Gregory VII: another grant was made to Pascal II. in the year 1102, probably to remove the appearance of the influence, by which the former had been obtained. The Italian possessions of Matilda, for she had also others in Lorraine, comprehended the whole of Tuscany and a part of Lombardy. Her fiefs upon her death devolved to the sovereign, and therefore could not be included in the donation; but as the emperors claimed her other possessions together with her fiefs, so the popes endeavoured to establish a claim to the latter as well as to the former. The emperors long continued to possess the whole. At length, in the year 1200, after a victory obtained by the troops of the pope and his allies over Marquard, whom Henry V. had created marquis of Ancona, the will of

that emperor was found among the baggage of the marquis, and the Roman see, in consequence of the discovery, obtained possession of considerable domains. The will directed, that the marquis should receive from the pope the investiture of the duchy of Ravenna, of the marquisate of Ancona, of the county of Bertinoro, and of Argelata and Medisina in the Bolognese; and that Montefiascone, with all the country from Monte-Paile to Ceperano should be given to the pope. That which the see of Rome at length obtained of the possessions of Matilda, constituted what has been called *the patrimony of St. Peter*. Of the donation of Matilda it must be understood that, having granted her possessions to the see of Rome, she received them again for her own life by investiture. Ibid. p. 1278, &c.

(*h*) At the death of duke Godfrey Henry III. had taken possession of the duchy of Spoleto and of the marquisate of Fermo. Ibid. tome 3. p. 698.

(*i*) When Werner bishop of Strasburgh, who had been cited to Rome on a charge of simony, and had been already punished for his offence, passed through the territories of Matilda and her mother Beatrice, they caused him to be arrested, though Gregory had admitted him to penitence, and had then sent him to Milan; and they complained to Gregory, not only that

he had absolved Werner with too much facility, but also that he had relaxed much of his former severity in his conduct towards the bishops of Lombardy. Ibid. p. 638.

(*k*) In the year 1054, the Roman pontiff, Leo IX, who had been made a prisoner by these Normans, concluded a peace with his captors, by which they were received into the rank of vassals of the see of Rome. Ibid. tome 3. p. 208. The alliance was more firmly established in the year 1059, by the advice of Hildebrand. Ibid. p. 288. In the year 1080 Hildebrand, at this time Gregory VII, became closely connected with them. Ibid. p. 784.

(*l*) The crown of the empire was first offered to Robert king of France, for himself or his son; and then in the like manner to the duke of Aquitaine. Ibid. tome 2. p. 1022, 1024.

(*m*) The revolt of the rear-vassals of Milan, which occurred in this year, was to all the lower ranks of Italy the signal of resistance against their superiors. The lords, says Saint-Marc, had generally exacted services beyond the duties of their fiefs. Ibid. tome 3. p. 46.

(*n*) Though he had not been elected king of Italy, yet it appears from some charters, that at Pavia and some other places he was considered as king from the time of the death of his father. Ibid. p. 80.

(*o*) It was determined, not merely that the

persons elected should be confirmed by the emperor, but even that no person should be elected without his authority. Ibid. p. 124. The alleged occasion of this decree was the practice which had prevailed among the Romans, of selling their suffrages in the papal elections. Ibid. p. 122.

(*p*) Damasus II, Leo IX, and Victor II.

(*q*) The revolt of the Saxons originated from the change of the reigning family of Germany, as the chiefs of Saxony obeyed with regret a sovereign of the Franconian dynasty. The minority of Henry III. presented an opportunity, which tempted the first efforts of rebellion. Pfeffel, tome 1. p. 202.

(*r*) La morte troppo frettolosa di Arrigo III, e la minorita del re suo figliuolo, furono il principio d'immensi malanni, si in Italia, che in Germania, e di un horribile sconvolgimento di cose, con essersi spezialmente sciolto il freno alle ingiustizie, alle ribellioni, alle guerre civili. E qui comincia il periodo di avvenimenti, che fecero a poco a poco mutar faccia anche all'Italia, siccome andremo vedendo. Annali d'Italia, tome 6. p. 176.

(*s*) A history of the life of Gregory VII. was produced in the council assembled at Worms by Henry in the year 1076; and on account of the heinous crimes which it ascribed to him, his election was declared void. Abrege Chronol.

tome 3. p. 699, &c. No credit however is given to the narrative. Ibid. & Hist. des Papes, tome 2. p. 471, 472, The leading accusation is that of magic. In the following year, when Henry had been forced to humble himself to the will of the imperious pontiff, the latter, to vindicate himself, swallowed the consecrated bread, having previously imprecated on himself a sudden death, if these charges were well founded. He then invited Henry to follow the example, alleging that many accusations had been brought against him by the princes of Germany; but Henry declined to do so, assigning as his reason the absence of those whom he should consult, and yet more that of his accusers. Abrege Chronol. tome 3. p. 729.

(*t*) In a letter addressed to the archbishop of Ravenna, his suffragans, and the other bishops of northern Italy, he declared his intention of sending legates into Germany, and denounced against those who should resist their authority, that he bound them by the apostolic power, *not only as to the soul, but also as to the body, and as to all the prosperity of this life, and that he took victory from their arms.* Ibid. p. 752. And, among the ordinances of a council convened at Rome in the year 1080, he supplicated the apostles Peter and Paul, that they would make all the world perceive, that if they were able to bind and loose in heaven, they could on earth

give to, and take away from each, according to his merits, empires, kingdoms, principalities, duchies, marquisates, counties, and the possessions of all men. Ibid. p. 779.

(*u*) In a sermon he expressly promised a victory to Rhodolph, the rival of Henry, and at the same time predicted the death of the latter. He explained away the latter part of his unfortunate prophecies by referring it to the soul of Henry. Hist. des Papes, tome 2. p. 475.

(*v*) Though the apostle Paul had mentioned the prohibition of marriage as one of *the doctrines of devils*, it very early began to be received among the clergy of the Christian church. The vain notion of a superior sanctity attached to a state of celibacy was introduced among the Hebrew Christians from the sect of the Essenes, which had subsisted very anciently among the Jews; and among the pagan proselytes from the philosophical sect of the Gnostics, which was probably formed in the schools of Alexandria before the Christian era. Even in the third century however marriage was permitted to all orders of the clergy; though they who continued in a state of celibacy, obtained a higher reputation of sanctity. Mosh. cent. 3. part 2. ch. 2. The first symptom of a regulation made in favour of the celibacy of the clergy appears in the canons of the council of Ancyra, convened about the year 308, by one of which it

was ordained, that those deacons, who had not at their ordination, declared that they wished to marry, should be set aside from their ministry, if they should afterwards engage in matrimony. Summa Conc. et Pont. per Carranzam, Salmanticæ 1551, p. 42. At the council of Neocæsarea, which was convened a little before that of Nice, a farther progress was made; for it was then determined, that if a priest should marry, he should be deprived of his rank, but those who were already married, were allowed to retain them, unless their wives should have been convicted of adultery. Ibid. p. 49, 50. That the clergy should separate from their wives, was first proposed at the council of Nice, assembled in the year 325; but being strenuously resisted by Paphnutius, a confessor of great reputation, who was himself unmarried, and distinguished for chastity, the measure was rejected. Socratis Hist. Eccles. lib. 1. cap. 11. The celibacy of the clergy appears however to have gradually prevailed in public estimation; and pope Syricus, in the year 385, issued a declaration, by which it was earnestly recommended, as most becoming their character. Carranza, p. 125. In the beginning of the fifth century it was attacked, with other superstitions, by Vigilantius, who was however overpowered by Jerome, the great monk of the age. Mosh. cent. 5, part 2, ch. 3. The exhortation of Syricus was, about

the year 405, converted by Innocent I. into a peremptory order. Carranza, p. 160. But though many councils added their authority to that of the papacy, the celibacy of the clergy seems to have been first effectually enforced by Gregory VII. in the eleventh century.

In the Greek church a council was assembled in the year 692, by which the clergy in general were prohibited from marrying, and the bishops were even required to separate from their wives; but the inferior clergy were permitted to live with the wives, whom they had previously married. Carranza, p. 399.

(*w*) This doctrine was first proposed in the year 831, by Pascasius Radbert, a monk, and afterwards abbot of Corbey. In the year 845 an improved edition of his treatise, which was presented to Charles the Bald, gave occasion to a violent controversy, Charles having directed that a clear exposition of the doctrine of the Lord's Supper should be prepared by Bertramn or Ratramn, and by Johannes Scotus, whose statements were adverse to the notion of Radbert. Mosh. cent. 9. part 2. ch. 3. sect. 19—21. Radbert however only outstripped his age a little in the progress of absurdity: the doctrine possessed too powerful recommendations, of importance to the clergy, and of wonder to the laity, not to be gradually adopted: and accordingly, when Berenger of Tours began,

towards the middle of the eleventh century, to revive the doctrine of Bertramn and Scotus, he was so strenuously encountered by the church, that he submitted to repeated retractations. Berenger had been attacked by several pontiffs; but the last proceeding was that of Gregory VII, who yet did not take any notice of his renewed tergiversation. It is indeed questionable whether Gregory did not agree with him in his private opinion: nor was the doctrine of transubstantiation declared to be that of the church, nor even the name adopted, until the year 1215. Mosheim represents Gregory as having acted with great moderation and candour in this controversy: but, according to his own account, Gregory had, before he became pope, opposed the new doctrine with the utmost vehemence; and he was afterwards engaged in a more interesting struggle for dominion. Ibid. cent. 11. part 2. ch. 3. sect. 13. &c. cent. 13. part 2. ch. 3. sect. 2.

Whether this doctrine was also maintained by the Greek church, became in the latter part of the seventeenth century the subject of a vehement controversy, which originated in France, from another between the Roman Catholics and Protestants on the antiquity of the Romish faith. Mosheim seems disposed to admit (cent. 17. sect. 2. part 1. ch. 2.) that a certain vague and obscure notion of this kind did prevail in

several of the Greek churches during many ages; and it appears that, though the term μετουσιωσις, which corresponds to the Latin term *transubstantiation*, was not anciently used in the Greek church, yet μεταβολη and μεταστοιχειωσις were used, though, as is alleged, only in a metaphorical application. Monumens Authentiques de la Religion des Grecs &c. par I. Aymon, Haye 1708. It is certain that in the council of Florence, convened in the year 1439, the doctrine of transubstantiation was one of the five articles, which were the subjects of controversy with the Greeks, when a vain attempt was made to effect an union of the two churches: the other articles were the procession of the Holy Ghost from the Son, as well as from the Father; purgatory; the supremacy of the pope; and the use of unleavened bread in the sacrament of the Lord's Supper. Carranza, p. 618. Jortin, I think, somewhere observes, that this doctrine was rhetoric turned into logic. The lively fancy of the Greeks appears to have relished the rhetoric; but the conversion of it into a logical formulary of doctrine seems to have been reserved for the dullness of the Latin church. Peter of Blois, who lived in the latter part of the twelfth century, is said to have first employed the term *transubstantiation* in reference to the sacrament. Cave's Historia Litt. tomi 2. p. 234, Oxon. 1743.

(*x*) At Salerno, to which place he had retired for the protection of Robert duke of Puglia. Abrege Chronol. tome 3. p. 281.

(*y*) Bayle has remarked (art. *Gregory VII*, note c) that the popes have found it incomparably more difficult to bring the clergy of the northern countries under the law of celibacy, than those of the south. He explains this difference by supposing that the northern clergy were more attached to marriage, not because they were less, but because they were more chaste, than the southern. Perhaps a juster solution may be found in the consideration, that monastic celibacy was the production of a southern region. It seems that the influence of a warm climate tends to produce a mystical abstraction of mind, as well as to inflame the sensual appetite; and thus to counteract in some degree, by affecting the imagination, the mischievous effects which it may produce as it acts upon the corporeal frame: a curious instance of moral *compensation*.

(*z*) Hist. des Papes, tome 2. p. 479. William the Conqueror appears to have resisted him with most firmness, though he consented to pay the contribution called *Peter's pence*. Abrege Chronol. tome 3. p. 768. In a letter to this monarch he compared the apostolic or papal power to the sun, and the royal power to the

moon, inferring that the former ought to direct the latter. Ibid. p. 782.

(*aa*) He refused to the Bohemians the liberty of performing their religious worship in the Sclavonian language, which Fleury says may be considered as the commencement of such prohibitions. Hist. des Papes, tome 2. p. 476; 477.

(*bb*) These maxims are comprehended in twenty-seven sentences, which Mosheim considers as fairly representing his principles, though they seemed to him to have been extracted from his espistles by some mean author. Eccles. Hist. cent. 11. part 2. ch. 2. They may be seen in the Hist. des Papes, tome 2. p. 482.

(*cc*) An *office* of Gregory VII. has been inserted in the breviaries, extolling his enterprises against secular governments. It was introduced into the churches of Rome by Alexander VII, who began his pontificate in the year 1655; in the year 1704 or 1705, Clement XI. permitted the use of it to the order of the Cistercians, and in the year 1710 to all the Benedictines; and it was published for the general use of the church by the order of Benedict XIII, who began his pontificate in the year 1724. Hist. des Papes, tome 2. p. 491.

(*dd*) The monk Hildebrand appears for the first time in history in the year 1046. Abrege Chronol. tome 3. p. 122. He seems to have

influenced the conduct of the papal government from the year 1048 to his own election in the year 1073, in which time eight pontiffs presided. Such was his influence in the year 1065, that his particular friend Peter Damien described it in the two following distichs, addressed to Hildebrand himself:

Papam rite colo, sed te prostratus adoro.
Tu facis hunc dominum; te facit ille deum.

and;

Vivere vis Romæ? Clara depromito voce,
Plus domino papæ, quam domno pareo papæ.

Annali d'Italia, tomo 6. p. 208, 209.

(*ee*) Leo IX. had been elected by an assembly convened at Worms; but he was persuaded by Hildebrand to go as a private person to Rome, where the people and clergy would eagerly re-elect him, that they might recover their liberty. Hist. des Papes, tome 2. p. 338.

(*ff*) Hist. d'Allemagne per Pfeffel, tome 1. p. 213. He began to claim the dominion of Spain even before his consecration. Abrege Chronol. de l'Hist. d'Italie, tome 3. p. 556.

(*gg*) As the pope maintained that no bishop could be canonically appointed but by his authority, this was a struggle for his own power. Abrege Chronol. tome 3. p. 460.

(*hh*) As the father of Henry III. had disposed

of three popes, he might naturally expect to dispose of one. Schmidt, tome 3. p. 88.

(*ii*) Ambrose had publicly represented to Theodosius that, being guilty of innocent blood, he could not be admitted into the sanctuary, nor participate the sacraments of the church, until he should have performed penance for his sin; but he did not excommunicate the prince by a judicial sentence. Augustine had even declared, that it was not expedient that princes should be excommunicated. Abrege Chronol. tome 3. p. 714, 715. Gregory V. however is said to have excommunicated Robert king of France, for his marriage with his kinswoman Bertha, for which he had not procured a dispensation. Henault's Hist. vol. 1. p. 112.

(*kk*) This sentence of deposition was issued in the year 1076. Two years before he had indeed issued a conditional sentence of the same kind against Philip I. of France, but it was disregarded by that prince, and was followed by no consequences. Abrege Chronol. tome 3. p. 628.

(*ll*) He directed that they should report to him the person whom they might choose, and his character, that he might confirm the election, so that it might be executed with apostolic authority. Ibid. p. 718.

(*mm*) Three successive days he remained alone, barefooted, exposed to the severity of an

inclement winter, and without nourishment, waiting to be admitted to the presence of the pontiff. Ibid. p. 727.

(*nn*) As a German sovereign he had reigned the half of a century; but he possessed the imperial dignity only twenty-two years, having obtained it from Guibert the antipope, whom he had caused to be elected when he had driven Gregory VII. from Rome. Ibid. p. 819.

(*oo*) Ibid. p. 877. Sigonius represents the kingdom of Italy as formally terminated in the year 1286, when the emperor sold his remaining pretensions: but Muratori discredits his authorities as not sufficiently ancient, and even considers the passage as one of many which had been added to the genuine history. Annali d'Italia, tomo 7. p. 465. Maximilian I. in the year 1508, ordained that his successors should be named *emperors elect* immediately after they had been consecrated as kings of Germany. Since that time the title of *king of the Romans* has belonged to the eventual successor elected during the life of an emperor, and to the reigning prince in the short interval between his election and his coronation. Pfeffel, tome 1. p. 259.

(*pp*) This connection was formed in the year 1186 by the marriage of Henry, son of Frederic I. with Constance heiress of Naples and Sicily.

(*qq*) He was by his father the chief of the party of the Ghibelins, and by his mother nephew to him who was at the head of the Guelfs. Abrege Chronol. tome 3. p. 385.

(*rr*) Bulgaro, Martino Gossia, Jacopo, and Ugone; all four scholars of Irnerio, who first taught law at Bologna. Frederic, riding one day between Bulgaro and Martino Gossia, demanded of them whether he was by right master of the world. Bulgaro replied that he was not master in regard to property, but Martino insisted that in this respect also he was master. The emperor then alighting presented Martino with his horse; upon which Bulgaro said, amisi equum, quia dixi æquum, quod non fuit æquum. Annali d'Italia, tomo 6. p. 533, 534.

(*ss*) Frederic dated several diplomas from the destruction of Milan. Abrege Chronol. tome 5. p. 252.

(*tt*) Of this period however the war appears to have languished during six years, the emperor having been so long absent from Italy. Ibid. p. 312—352.

(*uu*) The confederated states were Milan, Brescia, Placentia, Bergamo, Verona, Vicenza, Padua, Trivigi, Mantua, Faenza, Bologna, Modena, Reggio, Parma, Lodi, Novara, Vercelli, and that of the marquis Obizzon Malaspina. The cities of Pavia, Cremona, Como, Tortona, Asti, Alba, Genoa, and Alexandria

adhered to the emperor. Annali d'Italia, tomo 7. p. 43.

(*vv*) In that year the Europeans lost Ptolemais or Acre, their last possession in the east.

LECTURE XVI.

Of the history of northern Italy from the peace of Constance, concluded in the year 1183, *to the establishment of the papal see in Avignon in the year* 1308.

Marriage of the son of the emperor to the heiress of Naples and Sicily . 1186
Imperial dignity vacant 1190
Henry V. 1191
Becomes king of Naples and Sicily . 1194
Imperial dignity vacant 1197
League of Tuscany 1198
Otho IV. 1209
Imperial dignity vacant 1218
Frederic II. 1220
Imperial dignity vacant } . . . 1250
Imperial party ruined }
From this time the imperial crown has been rarely conferred by the Roman pontiffs.
William 1254
Rhodolph 1258

Adolphus	1292
Albert I.	1298
Papacy removed to France	1305
Papacy established at Avignon / Henry VII, *according to the Germans*	1308

BY the peace of Constance the states of Lombardy were formed into a federative republic, of which the German sovereign was the president. In the period which I now propose to review, that confederacy lost its combination, and the several states, not of Lombardy alone, but also of (*a*) Tuscany, assumed an entire independence. This was the great crisis of the fortunes of modern Italy. It was by the establishment of those numerous little communities, in close vicinity, and therefore in the highest excitement which their reciprocal influence could produce, that were at length developed all those principles of social activity, which had been preserved in this interesting country for the renovation of human refinement. When this important process had been completed, the powers of Italy seem to have been exhausted: its turbulent democracies first submitted to the ascendancy of various usurpers; its (*b*) arts and its literature soon afterwards fled away to embellish the other countries of the west; and the complex relations of its diplomacy, which gave a beginning to the federative connections of

Europe, at length degenerated into the intrigues of cunning imbecillity.

Frederic I. reigned but seven years after he had been compelled to acquiesce in the treaty of Constance. In this remainder of his reign preparation was made for that combination of political causes, which, within little more than the half of a century, accomplished the independence of the Italian states. As the crisis of the revolution reviewed in the last lecture was immediately occasioned by the successful vigour of the first Frederic, so was that of the final establishment of Italian independence by the formidable power of the second prince of that name, who was even more distinguished than his predecessor by the brilliancy of his abilities; but the power of Frederic II. was rendered formidable to the Roman see, and to the Italians in general, chiefly by the connection of the Sicilian with the imperial government, which were united in the person of this prince; and this connection resulted from the marriage which Frederic I. had effected in the year 1186 between his son Henry V, by whom he was afterwards succeeded, and Constance the heiress of the crown of (*c*) Sicily. A marriage which would combine the southern with the northern government, and menace on both sides the independence of Rome, was vehemently resisted by the papal see; and * the pontiff even sus-

* Abrege Chronol. tome 5. p. 412, 414.

pended from their functions the prelates who assisted at the ceremony.

Henry succeeded to the imperial dignity five years after his marriage; but though the Sicilian throne had become vacant in that interval, and his queen Constance had become entitled to claim the inheritance, the connection did not then, nor for a considerable time afterwards, produce its effect. The pretension of Constance, aunt of the last king, who had left no issue, was disagreeable, not only to the Roman pontiff, who dreaded the union of the two governments, but also to a powerful party of the Sicilians, who were adverse to the dominion of a German sovereign; and * Tancred, an illegitimate, or at least an unacknowledged member of the royal family, was placed upon the throne. Tancred, a prince of ability, and disciplined by adversity, died at the close of three years, and Henry soon afterwards took possession of the kingdom. But the three remaining years, during which he held the Sicilian government, were employed in exercising severities, alleged to be necessary for the security of his person and authority, † though offensive to the patriotic feelings even of his queen; and he was after an interval of twelve years succeeded on the throne of the empire by a fourth Otho, who

* Abrege Chronol. tome 5. p. 420. † Ibid. p. 452, 458.

was advanced to that dignity by the papal interest, as having no pretension to the crown of Sicily. It was not then until Frederic II. the son of Henry and Constance, had become sovereign of Germany and the empire, that the dreaded combination of the two governments was effectually formed. Constance had died about a year after the death of her husband, and Frederic, whom, she had prudently left under the guardianship of the Roman see, was constituted king of Sicily at the age of five years, while * every effort was employed by the pontiff to advance another family to the united thrones of Germany and the empire.

The suspension of this important combination was favourable to the progress of Italian liberty, as it allowed a considerable interval in which the states of Lombardy could secure and enlarge the advantages which they had procured, and those of Tuscany found an opportunity of forming a similar association, and aspiring to similar privileges. Henry V. in particular, † embarrassed at first by the opposition which he encountered in prosecuting his pretension to the crown of Sicily, and afterwards occupied, not only with his acquisition of that kingdom, but also with his claim of the inherit-

* Abrege Chronol. tome 5. p. 460. † Revol. d'Italie, tome 4. p. 2, 3.

ance of the countess Matilda, was careful to avoid a general rupture with republics, which had proved so formidable adversaries to his father. He was not indeed induced by this caution to decline all hostilities with those states. To preserve the shadow of authority which still remained to him, he leagued himself sometimes with one, sometimes with another, against those especially which endeavoured to deprive of their castles the nobility attached to the imperial interest. But these very wars were ultimately destructive of the authority, which he laboured to maintain: for he was compelled to purchase the services of those which assisted him, by respecting their newly acquired franchises, and by permitting them to aggrandize themselves at the expense of those which were less powerful; and these changing hostilities caused all to feel in their turns, that however the emperor might be induced by policy to affect occasionally to be a friend to each, he was in reality the common enemy of all. The reign of this prince * was not apparently so favourable to the growing liberty of Tuscany, as to that of Lombardy, though its indirect operation produced at no long interval a similar result. All the towns of Tuscany, except Pisa, not only remained subject to the officers of the em-

* Revol. d'Italie, tome 4. p. 6, 7.

peror, but were in general more tyrannically governed than before, especially when the Germans had conquered the southern provinces of Italy: these oppressions however, agreeably to the general law of political reaction, served but as an excitement to resistance; and when, by the death of Henry, the connection of the empire with the new acquisitions had been interrupted, the Tuscans became the more eager to imitate the successful example of the cities of Lombardy, by confederating against the imperial authority.

At the death of Henry V, his son Frederic, whom he had previously caused to be declared king of the Romans, had scarcely attained to the age of four years; and his minority afforded an occasion so convenient for the intrigues of the papacy, that he did not gain possession of the throne of Germany, until fifteen years had elapsed, in which interval it had been occupied by two successive princes. The former of these was Philip, the uncle of the young Frederic, who was first appointed regent, and, soon afterwards, when the pontiff had endeavoured to procure the election of a prince of a different and less formidable family, invested with the sovereign power. This prince, wholly engaged in the struggle with his competitor, was not able to give any attention to the affairs of Italy, and could not even present himself to claim the

crown of the empire. Otho IV, the other of these two German sovereigns, was in the second year of his reign invested with the imperial dignity by the pontiff; but (*d*) as he immediately afterwards retracted the promises which he had made as the conditions of his coronation, the three remaining years of his reign were employed in an unsuccessful struggle with a party excited against him in Germany by the emissaries of Rome, and the Italian republics did not experience any restraint from the restoration of the dignity of emperor. The people of Italy, taking no interest in these contentions for the crown of Germany, sought only to establish and to enjoy their own independence; and * the cities of Tuscany in particular, imitating the example of those of Lombardy, at the instigation of the Roman pontiff, formed in the year 1198 another republican confederation.

Frederic II. at length ascended the throne of Germany in the year 1212, and held it during an agitated reign of thirty-eight years. Notwithstanding that it had been the policy of the court of Rome to separate the Sicilian kingdom from that of Germany, the defection of Otho had rendered it necessary to the pontiff to seek a rival, who might be able to supersede

* Abregé Chronol. tome 5, p. 456.

him, and the wishes of the Germans were directed to the young king of Sicily. The pontiff indeed endeavoured to guard himself against the consequences of this hazardous measure (*e*) by various stipulations, to all of which Frederic agreed, though one of them prescribed that he should transfer the crown of Sicily to his eldest son, then however but nine years old; nor does it appear that he would at all have engaged in a contest with the papal see, if Gregory IX, a pontiff animated with the spirit of the famous Hildebrand, had not been placed at its head. * Impatient of his delay in undertaking a crusade, in which he had promised to engage, the pontiff launched against him the dreaded anathema of Rome; the emperor at last actually embarked in the expedition, but having sailed without obtaining absolution, was followed to the east by the papal interdict; and, though a reconciliation was afterwards effected, yet the jealousy of Gregory again broke out, and the contention was renewed with still greater violence. Innocent IV, who had been the friend of Frederic, succeeded to the papacy; but, as the emperor (*f*) foresaw, the spirit of the court prevailed over the sentiment of the individual, the same unrelenting animosity continued to be displayed, and Frederic was just

* Pfeffel, tome 1, p. 347, &c.

before his death compelled to exertions, which (*g*) had almost overpowered his antagonist. The situation of the papal see was indeed * sufficiently alarming, to prompt this persevering violence of opposition, for the emperor, while he ruled Germany without a rival, resided almost constantly in the south of Italy, where he continued to hold the government, and exercised a more commanding authority than any of his predecessors. In the beginning of the reign of this prince the republics of Italy maintained their independence against his pretensions with considerable firmness. † Acquainted with the severities which he had practised in his government of Sicily, and probably instigated by the Roman pontiff, they resolved to resist his enterprises, and for this purpose renewed in the year 1225 the league of Lombardy. But ‡ when he had returned from the crusade, by which he had vainly endeavoured to conciliate the see of Rome, he at length almost effected their entire reduction, so that they humbly solicited to be received into submission; the haughty severity of the emperor however determined them to persevere in their struggle to the last extremity, and thus preserved the independence of Italy.

* Hist. des Repub. Italiennes du Moyen Age, par Simondi, tome 3. p. 3, 4. Paris 1809. † Annali d'Italia, tomo 7. p. 239. ‡ Schmidt, tome 3. p. 526, &c.

In the mutual contentions of the Italian states the adverse parties sought assistance and support from the two great interests of the papacy and the German monarchy, which were necessarily in constant opposition. This was the natural operation of the relation, which the imperial dignity had established between Germany and Italy. The ill-arranged connection generated irreconcilable pretensions; two rival potentates were accordingly committed in a perpetual hostility; and the inferior states found in their contention the most favourable opportunity of establishing their own independence. As the connection exercised similar influences in Germany and in Italy, the distinctions of the German served equally for the Italian parties; and (*h*) the names of Ghibelin and Guelf, of which the former designated the partisan, and the latter the adversary of the imperial power, served in the other case to characterize reciprocally the adversary and the partisan of the papal pretensions. The reign of Frederic II. was the concluding scene of the open contention of these two powers, which (*i*) almost a century and a half before his reign had beeu begun by pope Gregory VII. The most strenuous efforts were exerted on both sides to obtain a decisive superiority, and the emperor seemed at length to have success within his grasp, when his death at once blasted his pros-

pects, and nothing remained from his exertions, except a ruinous exhaustion of the energies by which they had been sustained.

The authority of the sovereign was almost equally shaken in Germany and Italy by the mighty struggle of this important reign. With this prince, says * Pfeffel, was concluded the grandeur of the empire, and from his time the foreign dependencies ceased to treat it with respect; but it is remarked by (*k*) the historian of the Italian republics, that at the death of Frederic II. the authority of the emperors in Italy was in some sort annihilated. The imperial party may accordingly be considered as ruined in Italy in the year 1250, which was that of the death of Frederic II. The denomination of the Ghibelin party † was indeed retained under domestic leaders, the first of which, Eccelino da Romano, had originally attached himself to the emperor, but, when the affairs of that monarch began to decline, laboured to consolidate his own power, and at the death of Frederic was master of (*l*) five of the cities of Lombardy. In his government, which lasted thirty-four years, he exhibited an extraordinary combination of tyranny and address, outraging his subjects in general by his cruelty, but attaching to his support the chiefs of his party with

* Pfeffel, tome 1. p. 365. † Revol. d'Italie, tome 4. p. 139—144.

an unparalleled dexterity.* By one of these chiefs, Pelavicino, he was succeeded in his power; and the Ghibelin, or rather the antipapal party, was long maintained.

The balance of the parties of Italy was in this manner preserved, as long as the weight of the Guelf, or papal interest, required a counterpoise among the states of Lombardy. At length however the great support of that other party was likewise withdrawn, and Italy was abandoned to the struggles of its numerous states, now exercised in contention. (*m*) The Roman pontiffs had long endeavoured in vain to establish themselves in the temporal sovereignty of the ancient capital of empire. There however a perpetual jealousy of their encroachments was cherished; and it has been † remarked that the ascendancy of either party of the Guelfs and Ghibelins was equally injurious to the interests of the pope, for when the popular or Guelf party obtained the ascendancy at Rome, the pope was not more respected than the nobles. Thus it happened that, while the Roman pontiffs, by the force of opinion, were able to make sovereigns tremble on their thrones, they were not masters of the city which was their proper residence: during more than a century they had even been obliged to esta-

* Revol. d'Italie, tome 4. p. 149. † Ibid. p. 153

blish their residence (*n*) without the Roman city; and at length in the year 1305, the seat of the papacy was, by a combination of causes, removed from Italy into France, where it remained about seventy-one years.

In this interval of fifty-five years the Roman see had very early attained its great object in the struggle, the dissolution of the dangerous connection of the Sicilian kingdom with the German empire, which threatened them not only with a power encompassing their little territory, but also with the continued residence of the emperor within the limits of Italy. Innocent IV, who had been forced by Frederic II. to seek safety in (*o*) Lyons, * endeavoured in vain to avail himself of the opportunity presented by the death of that prince, for annexing to his see the kingdom of Sicily; and disappointed in this project of ambition, conceived the design of assigning it to some new prince, as a fief of the church. Alexander IV, the successor of Innocent, to accomplish the latter scheme, negotiated with the two courts of France and England. It was effected by Clement IV, who in the year 1265, concluded an arrangement in favour of Charles of Anjou, (*p*) clogged too with conditions so burthensome, that they rendered the new sovereign but the vassal of the

* Hist. des Rep. Ital. tome 3. p. 128, 145.

Roman see. It soon however appeared that the remedy was itself a subject of apprehension, for the new dynasty became formidable to that very see, by the assistance of which it had been established; but this danger also was removed, and the safety of the papacy secured, in the year 1282, when the island of Sicily was detached from the Italian territory of the Sicilian crown, and constituted a separate kingdom under a Spanish sovereign.

Here, it might be supposed, should naturally have terminated the agitations of the Roman see, as the imperial power had been long since driven out of the field, Sicily and its Italian provinces had been separated from the German empire, and the division of the Sicilian territories had even precluded the danger which might arise from this other quarter. But to the free action of the system of the Italian republics it could not but be important, that the pontiff, as well as his adversary the emperor, should be withdrawn from Italy, and that these republics should be abandoned wholly to themselves. This important movement appears to have been in some degree a consequence of the establishment of a French family on the throne of Naples; but to have been also much affected by the influences of individual characters. * Its pri-

* Hist. des Rep. Ital. tome 4. p. 80.

mary cause was the appointment of cardinals made by pope Celestin V. in the year 1294. This weak old man, who had been a hermit before his advancement to the papal throne, named at the desire of Charles II. of Naples twelve new cardinals, of whom not one had been born in the ecclesiastical state, three were natives of the Sicilies, and seven were Frenchmen. In less than six months Celestin discovered how unfit he was for his exaltation, and resigned his dignity, which was bestowed upon Boniface VIII. With all the inflexible obstinacy of Hildebrand, but without his ability, Boniface, who had ascended the papal throne at the age of seventy-seven, (*q*) prepared to assert his claim to be respected as the representative of the ancient Cæsars; and the real emperor of the west. In the course however of his fantastic enterprises he encountered Philip the Fair of France, (*r*) a prince who was not at all disposed to be intimidated by his pretensions: the states-general of that kingdom, then for the first time assembled, supported the resistance of their sovereign, though with a reserve characteristic of the blindness of the age, they contented themselves with appealing to a future pope, and a future council: and the extreme vexation of the pontiff, occasioned not only by the disappointment of his ambitious hopes, but also by the attempts of the emissaries of Philip to secure his person,

put a period to his existence about nine years after his elevation. As it had before been an object of the court of Naples, so was it from this time the policy of the French government, to acquire the control of the papacy; and this was effected, after a short intervening pontificate, by the advancement of a French prelate, who assumed the name of Clement V. This pontiff, who had been archbishop of Bourdeaux, never visited Italy, but caused himself to be crowned at Lyons, and, in the year 1308, established his residence at (*s*) Avignon. From this time the chief bishop of the western church continued to exhibit an example of non-residence until the year 1377, a period which has been denominated the seventy-years-captivity.

The successive removal of the emperor and the pontiff from the scene of these Italian struggles, which they had served to excite, but would at this time have obstructed, may perhaps be compared to the fall of the flower leaves of a plant, which had enclosed the seed until it was formed and matured. Now that we have followed thus far this curious process of political vegetation, it may be interesting to look back, and to trace from its original the seminal principle of civic freedom, which was in this manner gradually disclosed.

The remarkable fact has been * already no-

* Lect. 6. vol. 1. p. 252.

ticed, that the republican constitution of the municipal communities of the ancient empire had been revived by Majorian within the last twenty years of its existence, as if before its dissolution, preparation were then made for the resuscitation of this organic principle of its original frame. The object of its restoration appears to have been the improvement of the collection of the tributes, which had before been entrusted to extraordinary commissions; but the effect must have been to preserve and to transmit to other ages the institutions of liberty. Long however did the principle of freedom lie dormant and inactive, overwhelmed by the successive violences, to which the towns of Italy were subjected, in consequence of the memorable subversion of the greatest establishment of human policy: but at length it was once more brought into action; and it is again a fact deserving observation, that the first revival of this germe of freedom was the work of the concluding part of that series of barbarian depredation, by which it had seemed to be overwhelmed in irrecoverable ruin. These later barbarians appear to have had a wholly distinct office in the formation of the modern polity of Italy, that of acting externally upon the combinations, which were beginning to arise from the ravages of those by whom they had been preceded; and to present a peculiarly modified

example of that last class of political causes, to which so much importance has been attributed in the second lecture.

When the two successive establishments of the Goths and the Lombards had prepared the Italian peninsula for the arrangements of which it was to become the scene, other barbarians, more rude and fierce in their habits, attacked the rising governments, and waged against them during (*t*) the half of a century a war of predatory hostility from both extremities of Italy. * The wild tribes of Hungary spread their barbarous warfare chiefly from that northern district, by which Italy communicated with their country; and in the south more especially was the peninsula devastated by tribes of Saracens, who, (*u*) being far inferior in civilization to others of the same people, were not unsuitable associates of the Hungarian ravagers. Both classes of these invaders were composed of a light and irregular cavalry, incapable of making any decisive impression upon a tolerably constituted government, but very sufficient for harassing it by a perpetual succession of desultory attacks. The necessary influence of such a warfare was † to cause the restoration of the walls of the Italian towns, which had

* Abrege Chronol. tome 2. p. 644, 652, 670, 676.

† Hist. des Rep. Ital. tome 1. p. 38, 39, 382.

been dismantled by the Lombards; and the restoration of the walls was as necessarily productive of a consciousness of strength and importance in the minds of the citizens, which disposed them to aspire to liberty. When the inhabitants of the towns had begun to secure themselves within fortifications, and to associate in arms for their mutual protection, it was perfectly natural that they should seek to add municipal privileges to the safety which they had in this manner achieved for themselves.

The history of modern Italy exhibits a very remarkable succession of republican governments, as if, except in peculiarly favourable circumstances, that species of polity were incapable of a long continued duration, and it were necessary to provide a series of such governments, and to communicate from one part of that series to another the influence of its combinations. Three distincts sets of republics, flourishing in successive periods, are accordingly observable; those of the southern provinces, those of Lombardy, and those of Tuscany; the last of which especially furnished those active principles of social improvement, which seem to have been the destined object of the entire succession. It is among the republics of Tuscany, and particularly in that of Florence, that we chiefly discover the animating influences of republican activity; but we must seek among

the earlier communities of the southern provinces, and of Lombardy, for their first developement, and successive communication.

While Lombardy and Tuscany were subject to the dominion of the western emperors, or of the kings of Italy, the cities of the southern provinces were placed in the same favourable situation for vindicating their liberties, which was afterwards the fortune of those of the north, and they availed themselves of the advantage to become free and enterprising. As the dominion of the Lombards had not extended in the south beyond the duchy of Benevento, the more southern provinces remaining subject to the declining government of Constantinople, Naples, Gaeta, and Amalfi, were situated on the confine of two dominions, and at the same time abandoned in a great degree to their own exertions for their protection. The Grecian emperor, unable to provide for their security by his own power, * found it necessary to relax his pretensions, and to suffer their municipal institutions, which had never been entirely abrogated, to resume their authority. The spirit of independence, thus originally excited, was brought into action in the controversy about the worship of images, † which, as it gave a beginning to the independence of the papacy,

* Hist. des Rep. Ital. tome 1. p. 224. † Ibid. p. 231, 232.

was also the occasion of the first efforts of resistance in those states to the government of Constantinople; and though they continued to admit the duke who was sent from that court, yet as it had been necessary to tolerate the favourite superstition, the republican spirit was encouraged and confirmed. An avowed independence * was first assumed by the people of Amalfi. This city, which had been a dependency of Naples, was reduced by the Lombards of Benevento, and having in the year 839 availed itself of a favourable opportunity for throwing off that subjection, became from this time a free community, and manifested the influence of liberty in an extraordinary and memorable activity. This, which may be considered as the progenitor of the entire series of Italian republics, has generally obtained the credit of bequeathing to Europe three important legacies; the invention of (*v*) the mariner's compass, which opened the navigation of the ocean; the discovery of (*w*) the Pandects of Instinian, which revived the knowledge of jurisprudence; and (*x*) a code of maritime regulation, which gave a beginning to the ordinances of the extended and complicated system of modern commerce. The last however is the only one which is now commonly admitted by historians; for it

* Hist. des Rep. Ital. tome 1. p. 248—251.

is certain that the people of Amalfi can only have improved the mariner's compass, and rendered it more commodious; and the story of the discovery of the Pandects rests on very questionable authority.

History has recorded but few particulars of these early republics of southern Italy; for it was their fortune to exist in a period of barbarism and confusion, which * has allowed scarcely more to reach our knowledge, than an indistinct memorial of their population, their commerce, and their wealth. After a lapse of three ages they were attacked by the Normans, (*y*) who erased their names from the list of nations; and we find them now but in the obsolete records of obscure and almost forgotten ages, where however they must be for ever interesting, as they fill up the genealogy of freedom.

The spirit of independence which had manifested itself in the commercial activity of the republics of Campania, was communicated by the influence of commerce, and perhaps also by that of example, to the cities of northern Italy, among which accordingly (*z*) Pisa and Genoa were the first which shook off the yoke of the western empire. Commerce had already given importance to these two cities, and Pisa, which

* Hist. des Rep. Ital. tome 1. p. 251.

was not, like Genoa, separated by a wild tract of mountains from the adjacent country, (*aa*) appears to have attained to considerable power so early as the year 871, whereas the latter * became adequate to its own protection only at the conclusion of the tenth century. About this time these two trading cities began to assert their independence. † Pisa succeeded to the empire of the sea, which Amalfi and Naples had lost; and favoured by the advantages of its internal communication with the rich plain of the Arno, long maintained a superiority over its northern rival, to which however ‡ it was at last compelled to yield. The struggle between these two republics was the discipline by which Genoa was formed to be an antagonist worthy of the great republic of the Adriatic, with which it afterwards contested the prize of maritime supremacy.

Pisa and Genoa, which caught from the republics of Campania the example of independence, were respectively connected with the two great provinces of northern Italy, Tuscany and Lombardy; but they flourished in a contrary order, Pisa having at first maintained a superiority over Genoa, and Tuscany having been later than Lombardy in attaining to liberty.

* Hist. des Rep. Ital. tome 1. p. 343. † Ibid. p. 296.
‡ Ibid. p. 357.

Pisa appears to have been raised to an earlier eminence by her easy communication with a fertile country, Genoa to have ultimately triumphed in the struggle of rivalry by the advantage of local security: the latter * pressed closely on the one side by a rugged tract of barren mountains, and bordered on the other by a sea destitute of fish, possessed as the sole foundation of its power a secure and capacious harbour.

As the liberty of southern Italy had been formed amidst the mutual opposition of the Lombards of Benevento and the Greek empire, and afterwards of the two empires, so was the liberty of the north favoured by that other contention of the western empire and the papacy; and the latter, as it was maintained with much more vigorous exertions, was fitted to excite a more energetic spirit of freedom.

When the imperial dignity had been connected with the French government, the cities of northern Italy were not prepared for any effort of independence; and when it was enjoyed by Italian princes, it pressed upon those cities with too near an authority: but when it became attached to the crown of Germany, the cities had acquired importance and the government was remote, so that both circumstances

* Hist. des Rep. Ital. tome 1. p. 342.

concurred to give a beginning to liberty; and accordingly we find that the reign of the first of the German emperors was distinguished by concessions, which laid the foundations of the republican constitutions of northern Italy.* Otho I, who had been advanced to the imperial dignity in the year 962, was sensible that the stability of his Italian dominion could be secured only by placing it on a basis of freedom, and therefore encouraged the citizens of every city to form for themselves a municipal government, by which they controlled the power of their count. The counts, who were often also bishops, were almost all Italians; the emperor could therefore place little dependence on their attachment to his interest; and it was his obvious policy to create among the citizens a new power, by which they might be restrained. He did not indeed trust entirely to this policy, for he committed the most important fiefs to Germans, or at least to Italians who had given him proofs of their fidelity; but the removal of the ancient feudatories necessarily shook the authority of the government, and enabled the cities to maintain the struggle of independence with greater facility.

As long as the family of Otho possessed the thrones of Germany and the empire, the cities

* Hist. des Rep. Ital. tome 1. p. 94, &c.

of Italy manifested no disposition to assert a more complete enfranchisement. * Twenty-five of the forty years, during which that dynasty possessed the imperial dignity, being passed by these princes without the limits of Italy, the states of that country unavoidably assumed the regulation of their own concerns, and the cities began practically to enjoy a municipal independence, with which they were at this time contented. But in the year 1002 the extinction of the family of Otho gave occasion to a civil war, in which they found an opportunity of making trial of their strength, and ascertaining that they did not stand in need of a foreign protector. The succession of another dynasty on the throne of Germany and the empire accordingly presented the sovereign in a new character. The Italians, considering themselves as discharged from their connection with the German monarchy by the extinction of the house of Saxony, chose Ardoino marquis of Ivree to be king of Lombardy; the new dynasty of Germany, regarding this defection as a rebellion, resolved to chastize the revolters; and thus, instead of being, like the Othos, the protectors of the liberty of the cities, the succeeding princes became jealous rulers, who constrained the cities to employ against

* Hist. des Rep. Ital. tome I. p. 102, &c.

them the force which liberty had supplied. Here then began the general struggle of the northern cities of Italy. Pisa and Genoa had been free from the conclusion of the tenth century; and Venice had never been subject to the western empire, and from the earliest period of her existence had enjoyed a real independence of that of the east, though (*bb*) some appearance of subordination continued to be exhibited so long as to the year 1123: but in the other cities of northern Italy the effort to assume an independent existence began only at the commencement of the eleventh century. In that century however, as in the preceding, * the north of Italy had scarcely any historian; the details of the great, though gradual revolution, cannot therefore now be traced; and we are forced to content ourselves with knowing, that in the twelfth century the cities of that country were in possession of freedom. This freedom was indeed not even then formally maintained, since at the peace of Constance, concluded but seventeen years before the termination of that century, the emperor was acknowledged as the head of the confederation, by which he had been reduced to conditions; but † the Lombard republics may be considered as legally recognised by that treaty, though in a state of sub-

* Hist. des Rep. Ital. tome 1. p. 379. † Ibid. tome 2. p. 246.

ordination to the paramount authority of the imperial crown.

The first association of the cities of Tuscany for the purpose of resistance was fourteen years later than the treaty which sanctioned the confederacy of Lombardy, * having been concluded in the year 1197. It appears however, that the Tuscan cities had been accustomed to consider themselves as constituting a political union, for discharging the assessment of the province, and had frequently held provincial assemblies, to which each city sent a deputy; but these assemblies were held in a real, and not a merely nominal subjection to the emperor, and the scheme of independence was first suggested in the year 1197 by the Roman pontiff, on occasion of the death of the emperor Henry V, who had aggrieved them by some extraordinary exactions. The pontiff could not venture to assert the claims which he derived from the countess Matilda, and contented himself with strengthening the Guelf or papal party by declaring himself the protector of the liberty of Tuscany.

The republics of Lombardy, long before they attained to independence, had begun to manifest the vices of their popular constitution. † During the troubles of the reign of Henry III. they had silently established their municipal

* Hist. des Rep. Ital. tome 2. p. 313, &c. † Ibid. p. 2.

government; and in the very beginning of the reign of his successor, or almost eighty years before the peace of Constance, it might be seen, that they were not less influenced than princes by the love of conquest. Milan and Pavia, the rival capitals of Lombardy, had indeed given a beginning to this contention * so early as in the competition of Henry I. and Ardoino for the crown of Italy, or in the commencement of the preceding century. But † the marquisate of Trevisa, afterwards one of the continental states of the Venetian territory, was the source, from which the usurpation of chieftains began to spread itself over the liberty of the Italian republics; and its origin in this place has been ascribed by their historian to the natural conformation of the country. In the middle age the aggrandizement or depression of the nobles depended on the disposition of the surface of the country, since in a level country they were easily overpowered by the cities, but in one which afforded situations of strength they could set these republics at defiance. In other parts of Italy there were mountainous districts, in which the nobles could long preserve their independence; but in Trevisa alone the hills were interspersed among the cities, and the nobles,

* Hist. des Rep. Ital. tome 1. p. 393. † Ibid. tome 2. p. 281—283.

protected by their fastnesses, were every where present to over-awe and control the freedom of their governments. In the ninth year of the thirteenth century, or twenty-six years after the peace of Constance, *Ferrara, which suffered the marquis of Este to be declared its lord, exhibited the first example of a formal abdication of liberty, an abdication rendered yet more complete thirty-one years afterwards, when his son was appointed to succeed him, with a declaration submitting to the new sovereign the determination of right and wrong. The example of Ferrara was speedily imitated by the other cities, † almost all Lombardy being reduced to dependence soon after the middle of the same century, and the republican character having been destroyed even before the establishment of tyranny.

Two causes appear to have co-operated to change the form of government in the cities of Lombardy. ‡ Such was the violence of the passions of the people, that the administration of criminal justice was considered as almost the only object of government, especially as the multiplicity of distinct communities so much facilitated the escape of criminals; on this account extraordinary powers were vested in the magis-

* Hist. des Rep. Ital. tome 3. p. 41. † Ibid. p. 255.
‡ Ibid. p. 256, &c.

trates, and the path of ambition was opened to their view. The general violence of the people was yet more inflamed by the incentives of faction, which were furnished in the great contention of the Guelf and Ghibelin parties of Italy; but the grand prevailing principle of domestic hostility was the feud, which incessantly raged between the nobles and the plebians. The immediate result of this feud of the two orders is curious and interesting in its relation even to modern times. As the nobles were united into parties by the numerous and widely extended connections of considerable families, the plebeians sought in voluntary associations that political strength, which they could not derive from domestic alliances, and thus (*cc*) gave a beginning to those political clubs, which have performed no unimportant part in our own government, and exercised an influence so momentous on the revolution of France. To popular violence must be added, as the other cause of the subversion of the liberty of Lombardy, the change of military discipline. The inhabitants of towns had been able to resist the troops to which they were opposed, as these consisted either of infantry, or of a cavalry not protected by the heavy armour, by which it was afterwards rendered almost invulnerable. But when the nobles had gradually inured themselves to support the weight of this (*dd*) ex-

traordinary burthen, while the citizens were daily addicting themselves more and more to the very different practices of commerce and manufacture, the whole military force was at once transferred to the former: the citizens, unable to protect themselves, began about the middle of the thirteenth century to (*ee*) hire for their defence bodies of military adventurers, probably composed at first of emigrants and exiles: and it was an unavoidable consequence, that republics of traders, estranged from all the habits of a military life, should soon be mastered by the leaders, on whom they had found it necessary to place so dangerous a reliance. As the violence of party took from the people the jealousy of freedom, so did the military revolution take from them the power by which it might be maintained.

That pre-eminence which Milan possessed among the cities of Lombardy, was in Tuscany enjoyed by Florence, which however far better deserved the distinction by the memorable services rendered to policy, literature, and art. In the latter city the spirit of freedom, or rather of democracy, was indulged to the utmost excess, since (*ff*) not only, as in other cities, the nobles were excluded from the capacity of discharging public offices, but they were there even in some degree put out of the protection of the laws; and, in the same spirit, even an-

nual elections of the executive council were considered as returning at much too distant intervals, and six times in every year its twelve members were supplied by election. Such a system was eminently fitted to bring into activity all the powers of every individual, for every mind must have been perpetually exercised about its ever recurring competitions, and every citizen must have felt that he possessed the power of frequently influencing the measures of the public, almost every one might expect at some time to be personally concerned in the government. It sould not indeed be very consistent with domestic order and tranquillity; nor do tranquil order and the excitement of great mental exertion seem capable of being united: but though Dante, who had suffered by exile, * has described Florence as a city, in which what was determined in October subsisted until the middle of November with considerable difficulty, yet the external policy of the state appears to have been maintained, amidst all the changes of its officers, with an extraordinary degree of steadiness and consistency. The extreme democracy of Florence † is ascribed to the nature of the territory, which, though not mountainous, was hilly, and on that ac-

* Il Purgatorio, canto 6. † Hist. des Rep. Ital. tome 2. p. 285, 286.

count did not allow the same facility to the operations of the cavalry of the nobles, as the plains of Lombardy. Its external policy was dictated by its political situation, which rendered the support of the Guelf party necessary to its independence.

Florence * first attracts the attention of the student of modern history in the year 1215, when the first dissension occurred within its walls. This dissension, though merely (*gg*) of a domestic nature, appears to have acted on minds well prepared for receiving its influence: † the feud, thus casually excited, continued to rage during the long period of thirty-three years; and at length the expulsion and return of an entire faction compelled the republic to assume the principal concern in the wars of Italy. The commencement of the popular government of this interesting republic accordingly occurred in the year 1250. ‡ Amidst the tumult of a sedition a constitution was formed, which gave the people an opportunity of feeling a consciousness of their strength; they immediately sought to draw all Tuscany into the party of the Guelfs, to which they belonged; and during ten years, one of which was distinguished by the name of the year of victories,

* Hist. des Rep. Ital. tome 2. p. 341. † Ibid. p. 347, tome 3. p. 174, 175. ‡ Ibid. tome 3. p. 173, &c.

they performed the most splendid achievements. In (*hh*) the year 1282 their government received the form which it bore to the ruin of the republic.

The latter part of the thirteenth century has been characterized by * the historian of the Italian republics, as the heroic age of modern Italy. Dante, he remarks, was born in the year 1265, places in the year 1300 his supposed descent into the infernal regions, and encounters there the generation preceding his own, as the objects of his commendation or his blame. This then is the period, which has been consecrated by the genius of the great poet of Italy; the student of history must therefore feel that, in approaching it, he is going to tread no ordinary ground; and, dazzled by the splendors of poetry, he is disposed to attribute to it an importance which it does not really possess. The thirteenth century, though ennobled by the genius of the poet, was not the age in which Florence rendered its distinguished services to modern Europe, for it was but in the middle of that century that this republic commenced its career of activity. However even within the period which I am now reviewing, a political combination appears to have been devised by the Florentines, which has exercised an import-

* Hist. des Rep. Ital. tome 2. p 248.

ant influence in modern states. As a jealousy of the nobles was a fundamental principle of their popular constitution, and the inferior orders were composed of persons engaged in various occupations of commerce and manufacture, it was an obvious policy (*ii*) to unite into associations invested with political privileges the several descriptions of the citizens; and accordingly in the year 1266, seven corporations were formed, each of which had its own civil and military officers. Mercantile corporations therefore, with all their various rights and authorities, even to the dominion of the great empire of India, may trace their formation to the industry and liberty of the Florentine republic. Milan, in the same spirit of opposition to the nobles, originated popular clubs; but Florence, which was much more engaged in commercial industry, gave being to the more regular organization of societies of traders and artisans.

The Italian republics may be thought to possess a just claim to the merit of having originated that great improvement of modern governments, the introduction of representatives elected by the people and acting in their place. Such was the constitution of the popular government of Florence established in the year 1250, when a council was formed of twelve persons, of whom two were elected in each of the six divisions of the city. Venice appears to have

adopted the same improvement much sooner, the great council of four hundred and eighty members having been * instituted in the year 1172, though the general assemblies of the people continued to be convened on important occasions. Indeed † some mixture of the representative system may be discovered in the constitutions of the Italian cities in the time of the first of the Othos, and consequently not long after the middle of the tenth century. But the representative policy of modern states appears to belong more fairly to the Gothic or German, than to the Italian system. Though it is at least questionable whether such a policy has been justly ascribed to Charlemagne, yet we discover examples of it in all the various governments, which have sprung from a German origin. We accordingly remark, that representatives were summoned by Philip the Fair to the first assembly of the states general of France, convened in the year 1303; in the British government a more complex plan of representation had been adopted thirty-nine years sooner, embracing the landed as well as the commercial interest, and combining them into one comprehensive deputation of the whole body of the commons; in the Spanish cortes and the German diets the representatives of cities were ad-

* Hist. des Rep. Ital. tome 3. p. 289. † Ibid. tome 1. p. 388.

mitted, as in the states general of France; and in the northern governments of Denmark and Sweden, which were more purely Gothic in their origin, an express representation of the peasants gave to the public councils a peculiar character. The mode of election also in these governments was more popular than in the republics of Italy, * in all which it was entrusted either to the magistrates, to a small number of electors chosen for that purpose, or even to the decision of lots; it being in truth among the latter a contrivance rather for the distribution of power among various claimants, than for the representation of various portions of the people. Indeed the historian of the Italian republics (*kk*) has himself remarked, that they were actually disqualified for giving to the world any example of independent legislation. From the jurisprudence of the Roman empire the Italians had contracted habits of submission to legal authority; the consideration of law was therefore abandoned to professional lawyers, instead of being submitted to the deliberations of the community; and the due exercise of the judicial power was the chief object proposed in the constitution of their governments. Nor indeed does the structure of any of their governments afford in any respect an useful ex-

* Hist. des Rep. Ital. tome 3. p. 291, 292.

ample. Distracted by the domestic dissensions of their different orders, and by the external contentions of the two great parties of Italy, they were incapable of forming models of wise administration, though admirably fitted for that which appears to have been their special destination, the strong excitement of the moral activity of Europe. As by their situation in the immediate seat of the great empire of antiquity, they were possessed of that portion of its improvement which had escaped from its destruction, and were favourably situated for receiving from the Grecian empire what had been stored in it for the advantage of posterity, the strong excitement which they communicated, could not fail to be instrumental in imparting to the rising system the refinements of intellect, of imagination, and of art, and thus upholding the great scheme of the moral progress of our nature.

The historian from whom so many of these observations have been borrowed, * has remarked, that the character of the modern Italians was strongly influenced by the circumstances, in which their activity was developed, and was thereby very plainly discriminated, and is even still distinguishable, from that of the other nations of the west. The Italian character was

* Hist. des Rep. Ital. tome 5. p. 8, 4.

formed in the society of towns, and its habits were consequently those of citizens: the prevailing character of the other nations of the west was, on the contrary, formed by a feudal nobility, a character more particularly manifested in Spain, where the military services of such a nobility acquired a special importance in the long struggle with the Saracens. If then the modern system of Europe was to be composed of the distinctions, the feelings, and the habits of a feudal society, constituted of various orders, and arranged in the gradations of a complex subordination, the modern Italians must have been unfit for any other than that instrumental function, which they appear to have discharged so well. Modern Italy was a region of cities, its inhabitants chiefly citizens, its habits those of towns; the general system of Europe required in its principal states an order exalted above the level of civic equality, and claiming a more refined perception of honourable duty. If the Italians had been capable of union, * they would perhaps have overpowered the less improved countries of the west, but in doing so they must have been incapacitated for exercising those other energies, which were excited by the contentious equality of their numerous republics; they might have attained to the distinc-

* Hist. des Rep. Ital. tome 5. p. 14, 15.

tion of a nation of conquerors, but they could not also have been the first instructors of Europe in policy, in literature, and in the arts. Perhaps too their destiny might not have been more fortunate for themselves; since Italy might, like Spain, have been doomed to exhibit the debility of a country exhausted by the disproportionate magnitude of its enterprises.

In this review of the Italian republics Venice has not been considered, because that government was wholly abstracted from the interior concerns of Italy until the period which I am now contemplating had expired. The Venetian republic possessed indeed a character wholly peculiar, being distinguished by an extraordinary stability from the agitated and transitory communities of the adjacent country. (*ll*) Formed from the wreck of the ancient empire of Rome, and (*mm*) subsisting unconquered to the great revolution of our own age, it alone * has connected the present time with antiquity, and united the two great periods of human improvement. And as it was distinct in its character, so was it separate in its history, being long engrossed by foreign enterprises of commerce and hostility, and rather an external organ, than an immediate member of the system of Italy.

The local circumstances, which afforded a re-

* Hist. des Rep. Ital. tome 1. p. 310.

fuge to those who fled from the ravages of Attila, appear to have determined, by a slow and gradual operation, the aristocratic constitution of the government, which so much contributed to its stability. Though * there were nobles among the Venetians, they could not, as in the other states, assume at once any offensive superiority, because amidst the *lagunes* there was not room for the cavalry, by which alone their superiority was maintained over the inhabitants of towns. The original nobles of the Venetian state were therefore moderate and cautious through a consciousness of weakness; the original government was accordingly permitted to assume a form even of democratic equality; and (*nn*) when the external dangers of the state had created a necessity of conjoining with the democracy the controlling power of a duke or doge, (*oo*) it was not difficult for the nobles, by slow and imperceptible advances, to substitute their own authority for this incongruous combination. The government accordingly began with democracy, and proceeded through a mixture of monarchy to an aristocracy, while the other governments of Italy began with an ill-combined union of aristocracy and democracy, and therefore naturally ended in monarchy.

The Venetians, † considering themselves as

* Hist. des Rep. Ital. tome 3. p. 286, 294. † Ibid. tome 1. p. 325, 326.

Romans, shrunk from all communication with the invaders of Italy, and (*pp*) long continued to cherish a connection with the surviving empire of the east; they were accordingly estranged from the internal concerns of the peninsula, until they had attained to a considerable degree of political importance; and the first struggle in which they were engaged, was with the Slavians, who in the reign of the emperor Justin had established themselves in Dalmatia. The Slavians of that neighbouring territory were the aggressors, as they had adopted the piratical habits of the ancient Illyrians, and grievously molested the commerce of the infant republic. The Venetians however, though they had fled by land, had learned to encounter danger on the sea; they boldly attacked their antagonists, and pursued them into their retreats; and the final result of a protracted contest was that the little republic of the lagunes * became the mistress of Dalmatia about the close of the tenth century, at which time Pisa and Genoa were beginning to assert their independence.

Very different was the tranquil history of Venice from the agitated and changing fortune of its rival Genoa; and † the revolution, which established the aristocracy of Venice, was even

* Hist. des Rep. Ital. tome 1. p. 333, 337, 338.

† Ibid. tome 3. p. 329.

effected about the same time, in which a contrary revolution established at Genoa the power of a prince. But we can here discover a peculiarity of destination, which separates the case of the former from all analogy to that of the latter government. Genoa appears to have been but a subordinate and occasional instrument, first for exciting the emulation of Venice, as it had itself been disciplined by the rivalry of Pisa, and then for transferring the industry of Italy to some of the more western countries of Europe, by the agitations by which its power was exhausted: but Venice, situated in the centre of the principal countries of the continent, was permanently instrumental to the general system, however its importance may have been diminished in later ages as that system became more extended, and furnished with new and different organs; and accordingly it possessed an extraordinary degree of stability, giving way only in the general convulsion, which effected an entire change in the combinations of Europe.

For the completion, as it seems, of the republican system of Italy, the papacy was withdrawn from that country, and established in France during a very long period; but before this important removal was effected, the ecclesiastical dominion of the papacy had been completed, Innocent III, who was elected in the

year 1198, having perfected the labours of Gregory VII. This pontiff (*qq*) first formally ordained that the doctrine of transubstantiation should be embraced by the church; he (*rr*) first established the tremendous tribunal of the Inquisition; and * the mendicant orders of friars, then newly formed, were taken under his protection, as a description of forces best suited to the support of his authority. At this time the darkness of barbarism began to be a little dissipated by the returning rays of civilization, and the moral feelings of men were offended by the enormities of ecclesiastical abuses: it became necessary therefore to employ some efficacious measures for repelling the agggressions with which the papacy was threatened, and for securing its stability. The measures of Innocent were well adapted to the crisis. To resist the alarming progress of reason, those who adhered to the church were bound in the spell of a doctrine, which sets reason at defiance; its adversaries were subjected to the operations of a most formidable judicature; and an ignorant and superstitious rabble of mendicants was encouraged to oppose its spurious pretensions to the simple austerity of the reformers. The interior authority of the clergy was at the same time effectually maintained † by the first ordin-

* Mosheim, cent. 13. part 2. ch. 3. † Ibid.

ance enjoining auricular confession as a positive duty. The Roman satirist (ss) had long before observed the use which might be made of such a curiosity, and the papacy, from the time of Innocent III, has experienced all its advantage.

(a) Tuscany, originally a district of Lombardy, appears to have become a distinct province in consequence of the natural demarcation formed by the Apennines.

(b) One only art appears to have remained to the Italians in exclusive excellence, that of vocal music, the Germans claiming the pre-eminence in instrumental harmony. This perhaps is chiefly the effect of climate.

(c) To this kingdom belonged the Italian territory, which afterwards constituted the kingdom of Naples.

(d) He had sworn to resign the possessions of the countess Matilda, to renounce his claim to the property of deceased prelates, and to make no attempt against the young Frederic, king of Sicily, who was under the guardianship of the pope. Pfeffel, tome 1. p. 332.

(e) Besides resigning the allodial possessions of the countess Matilda, and renouncing his claim to the property of deceased prelates, he reestablished the right of appealing to the court of

Rome, which had been abrogated by his father, the emperor Henry V. Ibid. p. 338.

(*f*) "I have lost," said he to one of his confidants, "a zealous friend in the college of cardinals; in his place I see a pope, who will become my most cruel enemy." Hist. des Rep. Ital. tome 3. p. 53. Denina remarks from Panziroli, that this pontiff introduced the red hats of the cardinals. Revol. d'Italie, tome 4. p. 110.

(*g*) The pope, not thinking himself safe even at Lyons, to which he had retired, meditated to remove to Bourdeaux, and had demanded of the king of England an asylum in that place. Pfeffel, tome 1. p. 364.

(*h*) These became names of parties in Germany in the year 1141, at an engagement fought between Welf or Guelf, duke of Bavaria, and Conrad III. of Germany, the former having given his own name as the word of battle, and the latter that of Waiblingen, a small town of the duchy of Wurtemburgh, which had been the chief place of the patrimonial domains of the imperial house of Franconia, and then belonged to the brother of the reigning sovereign, and commander of his armies. The two names became attached to the respective adherents of the duke and of the sovereign; they were afterwards employed to designate the two parties of the disaffected and the royalists; and were at length adopted by the Italians to distinguish the adver-

sraies and the supporters of the imperial authority. Ibid. p. 276, 277.

(*i*) Gregory VII. began his papacy in the year 1073; and Frederic II. obtained the crown of Germany in the year 1212, or one hundred and thirty-nine years afterwards.

(*k*) Tome 3. p. 125. Twenty-three years, he adds, passed before the princes of Germany could agree in the election of a king of the Romans; nor did any of the next three sovereigns feel himself sufficiently powerful to venture upon an Italian expedition, and consequently none of them bore the title of emperor. At the end of sixty years Henry VI. entered Italy for the purpose of asserting the rights of the empire; but after his death, which soon occurred, a new interregnum left the people of Italy full leisure to confirm their independence, and to break all the ties which connected them with Germany.

(*l*) Verona, Vicenza, Padua, Feltre, and Belluno. Ibid. p. 199.

(*m*) We have no historian of modern Rome earlier than the fourteenth century, so that its independence shows itself but by intervals in the histories of other places: the little which we know of it, gives the idea only of a turbulent oligarchy, which deserves no attention. One of the nobles, with the title of senator, was invested with the judicial authority; and pope

Gregory IX. could obtain only that the ecclesiastics attached to his court, or to the cardinals, and the strangers who should visit Rome as pilgrims, should not be subject to his jurisdiction. The senator was however the leader of a faction, rather than a judge; and the nobles strengthened themselves for the domestic contests of Rome, some by fortifying their houses, and more by converting into fortresses the imperishable monuments of ancient grandeur. Ibid. p. 166, 167.

(*n*) In Anagni, Perugio, Viterbo, Assise, and other adjacent cities. Innocent IV. in the year 1254 was ordered by the Romans to return to Rome. Ibid. p. 170.

(*o*) This city was comprehended within the empire, and was the only territory which it possessed on the western side of the Rhone and Saone; but the archbishop and chapter enjoyed the power of the count of Lyons. Etat de la France, tome 2. p. 364. Lond. 1727.

Lyons was taken from the archbishop by the French in the year 1309. Henault's Chron. Abridgm.

(*p*) These were 1. that in failure of the descendants of Charles, the crown should revert to the see of Rome; 2. that it should not be compatible with that of the empire, or with the dominion of Lombardy or Tuscany; 3. that a white palfrey and eight thousand ounces of gold

should be given annually as a tribute; 4. that three hundred horsemen should be maintained three months in every year for the service of the church; 5. that Benevento and its territory should be ceded to the Roman see; and 6. that all ecclesiastical immunities should be preserved. Hist. des Rep. Ital. tome 3. p. 355.

(q) When Albert of Austria vanquished and slew Adolphus of Nassau, and caused himself to be crowned king of the Romans in his place, the old pontiff refused to acknowledge him, and putting a crown on his own head, and grasping a sword, exclaimed "I am Cæsar, I am emperor, I will defend the rights of the empire." Ibid. tome 4. p. 135, 136.

(r) He even dispatched an emissary to Anagni, where Boniface resided, apparently with the design of causing him to be assassinated: the emissary and his party, awed by the pontiff, shrunk from the attempt; but he died soon afterwards in a frenzy occasioned by the outrage. Ibid. p. 146—150.

(s) "The comtat Venaissin, was ceded to the popes in 1273 by Philip III. king of France, after he had inherited the dominions of the count of Thoulouse. Forty years before, the heresy of count Raymond had given them a pretence of seizure, and they derived some obscure claim from the eleventh century to some lands

citra Rhodanum" Decline and Fall, &c. vol. 6. p. 556, note.

Avignon, though included within the limits of the Venaissin, belonged to the royal family of Naples, and was in the year 1348 sold by queen Joan to pope Clement VI, as she then wanted money to recover her dominions in Italy. Henault's Chronol. Abridgm.

(*t*) The Hungarians first entered Italy in the year 900, and for the last time in the year 947. The Saracens had entered Italy first in the year 833, and were finally reduced only by the Normans, who established themselves in the southern provinces in the year 1017. Abrege Chron. de l'Hist. d'Italie.

(*u*) The Saracens who invaded Italy, were a military colony of the Moors of Africa, and bore no resemblance to the civilized subjects of the caliphs. Hist. des Rep. Ital. tome 1. p. 39.

(*v*) The attractive power of the magnet was known by the ancients. Its polarity is believed to have been discovered in the twelfth century; though it is said to have been mentioned by Aristotle in a treatise concerning stones, which is no longer extant, and perhaps never existed. The invention of the mariner's compass has been attributed to the Chinese, from whom Marco Paulo, the Venetian traveller, is supposed to have brought it to Europe in the year 1260. This opinion however has been justly

rejected, on account of the extreme imperfection of the Chinese navigation in that early period, Sumatra and islands near China being undiscovered. It appears indeed to have been mentioned, under the name *mariniere*, by Guyot de Provins in a French poem towards the middle of the twelfth century. The cardinal Jacques de Vitry, who lived towards the year 1200, has spoken expressly of the magnetic needle in his history of Jerusalem. Brunetto Latini, a Florentine, in a French work named *Tresor*, has described the compass as used in France in his time, or before the year 1294, in which he died. These authorities refer the compass, however imperfect in its construction, to the time of the earlier voyagers of the crusaders, which followed closely after the discovery of the polarity of the magnet. The chronicle of France accordingly intimates the use of the compass, under the name *marinette*, towards the time of the first of these expeditions undertaken by Lewis IX; and Hugues de Bercy, a contemporary of that prince, speaks of it as an instrument then well known in that country. For these reasons the credit of the invention must be denied to Flavio de Melfi, or Flavio Gioia a Neapolitan, who is commonly said to have constructed the first compass about the year 1302, on account of which the province of Principato, in which he

was born, bears one of these instruments for its arms. It appears probable that the citizen of Amalfi only invented a method of suspending the compass, in such a manner that it should preserve a horizontal position, instead of setting the needle to float on water, which was the contrivance of the French *mariniere*. The *fleur de lys* of the compass confirms the French original of this most important instrument. Encyclop. art. *Boussole*. Dissertation sur l'Origine de la Boussole par M. Dom—Alb. Aguni, Paris 1805. Chamber's Dict. art. *Compass*.

(*w*) Amalfi was taken by the Pisans in the year 1135, and it was on this occasion that the famous copy of the Pandects is said to have been found there. The story has been questioned both by Muratori and Tiraboschi. It was first mentioned more than a century and a half after the capture of Amalfi; while earlier chronicles, both of the Pisans and of the countries adjacent to Amalfi, which speak of the pillaging of that city, are silent in regard to a prize, which should have excited considerable interest. It is undisputed that the Pisans have during many ages possessed the most ancient copy of the Pandects now existing: in France however Ives de Chartres, who lived at the beginning of the twelfth century, has spoken of a copy of that work; and Muratori has shown, that the work existed in Italy in the eighth, be-

fore which time that country had sustained its chief depredations. Sigonius, who published his history of the kingdom of Italy in the year 1573, adopted the story, and was followed by other historians. Hist. Litteraire d'Italie par Ginguene, tome 1. p. 154—157.

(*x*) These laws, says Sismondi, acquired the same authority in the Mediterranean, which was anciently possessed there by those of Rhodes, and which two ages afterwards was allowed on the ocean to those of Oleron. Hist. des Rep. Ital. tome 1. p. 251.

(*y*) Amalfi was reduced by Roger, the first king of Sicily, immediately after he had been crowned in the year 1130; Capua in the year 1137; and Naples in the following year. While Amalfi was sinking under the encreasing power of the Normans, some of its citizens laid in Palestine the foundation of that order of Malta, which afterwards inherited its maritime power, and became the depositary of the chivalrous spirit of Europe. Hist. des Rep. Ital. tome 1, p. 293—307.

(*z*) Venice, having never been subject to the western empire, is not here considered.

(*aa*) In that year the prince of Salerno, when besieged by the Saracens, entrusted the defence of a part of the walls of that city to a body of two thousand Tuscans, who were then in it.

These must have been Pisans. Hist. des Rep. Ital. tome 1. p. 338, note.

(*bb*) The multiplied relations of the Venetians with the crusaders gave occasion to misunderstandings between them and the Greeks; and hence, though they had hitherto left it undecided, whether they were the allies or the vassals of the Greek empire, they in this year renounced the deference which they had been accustomed to observe. Ibid. tome 1. p. 363. Abrege Chronol. tome 4. p. 1102.

(*cc*) Gilds or clubs existed among the Anglo-Saxons; but they seem to have been friendly associations for mutual assistance in regard to various pecuniary exigencies, combined with much conviviality. Hist. of the Anglo-Saxons, vol. 4. ch. 10. The modern British clubs appear to have united the political with the social character.

(*dd*) In the fifteenth century armour had been rendered so weighty, that a horseman, when he had been overthrown, was unable to rise again. Hist. des Rep. Ital. tome 3. p. 266.

(*ee*) This practice was begun about the middle of the thirteenth century, and soon became universal throughout Italy. The exiles and emigrants were probably the first mercenaries. Ibid. p. 269—271. The companies properly named *condottieri* were first formed in the year 1302, when peace was concluded between the

kings of Naples and Sicily, and the troops, composed of persons of various countries, chiefly Spaniards, which during twenty years had defended Sicily, were discharged from the service. These first passed into Greece to defend the Greek empire against the Turks. Ibid. tome 4. p. 244. The practice prevailed among the republics of ancient Greece, as among those of modern Italy; and the elegant author of the Travels of Anacharsis speaks of the Grecian usage in language very applicable to the Italian. Eng. Transl. vol. 2. p. 178. Lond. 1806. Two distinctions are however observable. The practice was not introduced into Greece until the period of decline was far advanced; but in Italy it began at the rise of the Tuscan republics, though in the decline of those of Lombardy: the other distinction is that the *condottieri* of ancient Greece do not appear to have discovered the policy of that mutual forbearance in their combats, which at length rendered Italian battles little more than the play of children. Both seem to have arisen from the commercial character of the republics of Italy. The citizens of a commercial republic were eager to transfer to mercenary strangers the fatigues and dangers of war; and the mercenaries, catching the spirit of commerce even in warfare, soon agreed to earn their wages with as little loss as possible.

(*ff*) By the *Ordinamenti della Giustizia*, established in the year 1292, thirty-seven of the noblest families of Florence were excluded for ever from the chief magistracy, and common report was declared to be a sufficient proof of any crime against any individual of the number; and the magistracy were empowered to add to this list any other family, which should imitate their conduct. Hist. des Rep. Ital. tome 4. p. 65, 66.

(*gg*) A young man of a family attached to the Guelfs had engaged to marry a young woman of a family connected with the contrary party of the Ghibelins, but by the artifice of the mother of another young woman was induced to violate this engagement, and marry the daughter. Ibid. tome 2. p. 345.

(*hh*) Ibid. tome 4. p. 53—55. The government had been entrusted to fourteen persons, of whom eight were Guelfs and six Ghibelins; but it being perceived that this council was too numerous for unanimity, and that by its very composition it was subject to the agitations of party, and the democratic spirit of the people also being offended by the admission of gentlemen into it, a new council of six was formed exclusively of citizens; these were obliged to lodge and eat together during the two months of the presidency, and were not permitted to absent themselves from the palace.

(*ii*) Twelve corporations were thus formed; but the privilege of having consuls, captains, and a standard, was at first confined to the seven denominated the *greater;* which were 1. the lawyers, 2. merchants trading in foreigns cloths, 3. bankers, 4. manufacturers of wool, 5. physicians, 6. manufacturers of silk and mercers, and 7. furriers. The inferior arts were those of 1. retailers of cloth, 2. butchers, 3. shoemakers, 4. masons and carpenters, and 5. farriers and locksmiths. Ibid. tome 3. p. 374. The Anglo-Saxons had gilds constituted for managing concerns of commerce; but these, like the others mentioned in note (*cc*), appear to have been associations of individuals for their mutual accommodation without any political character or privileges. Hist. of the Anglo-Saxons, vol. 4. ch. 10.

(*kk*) Tome 1. p. 355. The two most perfect were the aristocracy of Venice and the democracy of Florence, in neither of which was the public liberty combined with private security. Ibid. tome 3. p. 257.

(*ll*) In the latter part of the year 451, or the beginning of the year 452. The little islands of Venice were already occupied, and were called Venetia Secunda, the appellation of Venetia Prima being given to the country, which has since received that of the Venetian Estates of the Terra Firma. The consequence of the

irruption of Attila was that many of the inhabitants of the latter were driven into the former, and with this great encrease of population began the modern state of Venice. Ibid. tome 1. p. 313, &c.

The annual ceremony of espousing the Adriatic was introduced in the year 1167, when the Roman pontiff, Alexander III, who had taken refuge in Venice, added to his spiritual benedictions a grant of the dominion of that sea, which he gave to the doge as a spouse. Pfeffel, tome 1. p. 302.

(*mm*) The French possessed themselves of Venice in the year 1797; so that this republic subsisted thirteen hundred and forty-five years.

(*nn*) In the year 697, when the state was at once harassed by internal dissension, and pressed from without by the Slavians of Dalmatia and by the Lombards. Hist. des Rep. Ital. tome 1. p. 323.

(*oo*) The limitations of the power of the doge began in the year 1032: two counsellors were assigned, without whose consent he was not permitted to form any determination; the association of a son with his father in the ducal office was prohibited; and the doge was required, on important occasions, to deliberate with the principal citizens, but with such only as he himself should select. In the year 1172 the

government was rendered more republican by the establishment of the first regular assembly of representatives, an annual council of four hundred and eighty citizens, without however abolishing the general assemblies of the people, which continued to be convened on important occasions even to the fourteenth century. On this foundation was afterwards erected the aristocracy. As all the other nominations were referred to the grand council, that body soon usurped the nomination of the electors, by whom it was itself to be renewed, and then proceeded to regard their selection of new members as subjected to its own approbation: by degrees the grand council became composed almost always of the same individuals, or of their descendants in regular succession: and at length, in the year 1315, after a series of preparatory measures during twenty-three years, and a more gradual preparation of the entire preceding century, the elections were abrogated by a formal decree, and the grand council was closed against all new families. It has been a subject of wonder that the commons of Venice should thus submit to the usurpations of their nobles. The difficulty is explained partly by the absence of that irritation, which in the other states of Lombardy had exasperated the commons against the nobility, partly by the satisfaction experienced

in the strictly impartial administration of justice. In regard to the latter consideration it was particularly important that the Venetian chancellor was always chosen from the commons. Ibid. tome 3. p. 287, &c.

(*pp*) The connection was not openly renounced until the year 1123. See note (*bb*)

(*qq*) In the second Lateran council, convened in the year 1215.

(*rr*) Priscillian, a Spanish heretic, was with some of his associates put to death in the year 384, by the order of the emperor Maximus, upon the accusation of several bishops. This was the original instance of the civil persecution of heretics, and was generally regarded with the abhorence which it merited. Mosh. cent. 4. part 2. ch. 5. The practice was resumed with more success in the beginning of the thirteenth century, when the numerous sects of separatists from the Roman church had alarmed the pontiff. Legates extraordinary were accordingly dispatched by Innocent III. into the southern provinces of France, where these sects chiefly prevailed, with full authority to extirpate heresy even by capital punishment. The regular tribunal was established in these provinces in the year 1233 by Gregory IX, who committed it to the care of the Dominican friars.

The Inquisition appears to have been sup-

pressed in France, when it had succeeded in suppressing the heresies of the southern provinces, for which it had been introduced. Schmidt says, tome 4. p. 263—265, that it was introduced into Germany about the year 1231, but that the violence of the inquisitor excited such indignation, that after three years it was abolished, and could never be restored. In Italy, the seat of the papacy, it naturally received an establishment, though even there it was successfully resisted by the Neapolitans, who were alarmed at the cruelty, with which it was administered in Spain. Giannone, lib. 32. cap. 5. This last was its peculiar country, the animosity entertained against the conquered Moors having there given it an activity and violence, which it did not possess in Italy; and how intimately it was incorporated with the system of the Spanish government, is sufficiently apparent from its restoration, which has been recently witnessed. An *auto de fe* was solemnized there so lately as in the year 1783. Townsend's Journey through Spain, vol. 2. p. 91. Dubl. 1792. As our Saviour refused to grant fire from heaven, those of the Inquisition must have had another origin.

(*ss*) Scire volunt secreta domus, atque inde timeri.

Juv. Sat. 3. 113.

LECTURE XVII.

Of the history of Germany from the beginning of the reign of Lewis the Germanic, in the year 840, *to the death of Otho I. in the year* 973.

Lewis the Germanic	840
Germany divided among his three sons	876
Reunited under the youngest, the emperor Charles the Fat . . .	882
Charles master of the whole dominion of Charlemagne	884
Arnold king of Germany	888
Becomes emperor	896
Lewis II.	900
End of the Carlovingian race.	
Conrad I.	911
Saxon dynasty.	
Henry I.	919
Otho I.	936
Becomes emperor	962

THE history of northern Italy having been pursued to the commencement of the fourteenth

century, it becomes necessary to direct your attention to the consideration of the origin and formation of the Germanic empire, which constituted with the former country the other of the two great combinations of the incipient system of Europe. The Germanic government was that upon which Italy more immediately acted, because it was connected with that government by the important relation subsisting between the papacy and the imperial dignity. Germany was not indeed fitted for receiving all the various influences of social improvement, which were brought into activity amidst the agitations of the Italian republics. Arts and literature could not soon find congenial dispositions in a country, which had not been included within the ancient empire, and was but rescued from barbarism by the reaction of the modern system; these therefore were primarily communicated to other parts of the system more favourably circumstanced for their reception. But there were other influences, which required only such political arrangements, as might subsist in a country thus conquered to civilization, if suited to its geographical circumstances. Though the taste and the ingenuity of Italy could not yet be imparted to Germany, because the intellectual character was not then sufficiently matured, its industry could find an easy transmission into a region so

well accommodated to the interior traffic of Europe; and accordingly the great confederacy of the Hanseatic cities extended throughout the west the commerce which had been formed by the Italian states. Its policy too might be as successfully communicated, because the reception of it depended upon political, rather than upon moral circumstances, and, as the same cause acted powerfully upon the two countries, their political circumstances acquired a very remarkable correspondence. The same struggle of the papacy and the imperial dignity, which broke into a multitude of independent states the Italian dominion of the German emperors, affected also, though less powerfully, their domestic territory: the Germanic part of the empire therefore, though not, like the Italian, reduced to a merely nominal pretension, was however so loosened in its structure, that its members were in a sort of middle state between independence and combination: and thus was prepared a most singular constitution of government, which bore a relation to Italy in the little dependence of its numerous parts, while it corresponded to the monarchies of the other countries of Europe in the acknowledged supremacy of the sovereign.

In reviewing the complex organization employed in the construction of the European system, the Germanic empire solicits a large proportion of our attention. The space which it

covered in the map of Europe, is of itself sufficient to entitle it to much consideration. * Independently of Hungary it extended six hundred miles from north to south, and five hundred from east to west; and if that territory be included, as it may in a large and comprehensive view, the Germanic government reached almost entirely across the continent from the German ocean to the Black-sea. And though the great debility of its loosely constructed government unavoidably diminished the direct influence of the empire on the interests of Europe, yet was it that very laxity of combination, which gave it its peculiar character and importance, as a component member of the general system. It was the extraordinary independence of the numerous states of the empire, which permitted the formation of the Hanseatic confederacy, so important to the extension of the earlier commerce of Europe: it was this independence, which rendered the empire the immediate organ of the federative policy of more modern ages, received indeed originally from the complicated combinations of the numerous governments of Italy, but introduced into the general system by the more extended relations of the states of the Germanic empire: and it was also the same independence, which pre-

* Pinkerton's Modern Geography, vol. 1. p. 591.

sented a field for the great ecclesiastical revolution of the reformation, and thereby furnished to the general system not only a grand principle of religious improvement, but a permanent division of political parties, and a balance of political interests. As a single government Germany exhibited only an unwieldy magnitude, scarcely able to maintain the connection of its parts; as a member of the system of Europe it exercised the most important functions, for which it appears to have been specially constructed. It seems as if (*a*) an organic embryo had been introduced into the centre of a great inert mass, to diffuse throughout the whole its vivifying influences, and transform it into a combination resembling its own primordial arrangement. The empire was a miniature of the future system of Europe, not only in the variety and the general independence of its numerous parts, but also in their federative combinations.

Germany had successfully resisted the efforts of the Roman armies, * chiefly because it was destitute of cities; for a wilderness may be overrun, but, if its inhabitants are willing to be free, can scarcely be subdued. The Romans were accordingly reduced to satisfy their vanity with (*b*) bestowing the appellations of *the*

* Hist. des Allemands par Schmidt, tome 1. p. 72.

first and *second Germany* upon two provinces situated on the southern side of the Rhine. When the Franks had punished the hostilities of Rome by establishing themselves within the empire, it was natural that other tribes of Germans should endeavour to imitate their example, and to share the spoil of their success; but Clovis, the founder of the French monarchy, turned on (*c*) the Alemanni, who have given their name to modern Germany, and subjected a considerable part of them to his authority. The wars of Charlemagne completed what had been thus begun by Clovis, and had been afterwards prosecuted by his successors; the Saxons were, after a struggle of thirty years, at length compelled to submit to the dominion of the new emperor of the west; and Germany became a province of that extended empire, which was the basis of the principal system of the European governments.

The reduction of Germany was completed by Charlemagne iu the year 803, when he (*d*) finally subdued the Saxons; and in the year 840 it began to be formed into a distinct state, his grandson Lewis, surnamed the Germanic, having succeeded to it on the death of his father Lewis the Debonnaire, as his portion of the empire, which appointment was three years afterwards confirmed by the treaty of Verdun. The intervening thirty-seven years, during

which it had remained in the situation of a province, served to give its parts a combination and consistency, of which they had been destitute, and to qualify it to assume the character of a sovereign state. This advantage it owed to the circumstance, that Charlemagne had (*e*) but one legitimate son. As the latter had three sons, the empire at his death became divided into as many parts, and Germany became a separate government. Forty-eight years however elapsed before the separation became complete and permanent, for Charles, one of the sons of this first monarch of Germany, succeeded to the whole of the dominions which had been held by Charlemagne, and restored for a time the unity of the empire. But this restoration was of very short continuance, and was only preparatory to its final dissolution. The entire incapacity of Charles the Fat became visible to every eye; at the end of four years he was driven from the throne by the general indignation of his subjects; and the advancement of Arnold, (*f*) an illegitimate descendant of Charlemagne, to the separate throne of Germany in the year 888, was at once the beginning of its independence in regard to the choice of the sovereign, and the epoch of its lasting distinctness. Another step was indeed still necessary for rendering the independence of Germany complete, so gradual was the process

by which it was detached from the parent-empire of Europe: it was still the family of Charlemagne which occupied the throne, though not in a legitimate descent, and the influence of his authority still continued to control the selection of the monarch. Twelve years were employed in this concluding transition. At the expiration of that time Lewis, the son and successor of Arnold, died unmarried, the Carlovingian dynasty of Germany became extinct by his death, and the notorious incapacity of Charles the Simple, the reigning sovereign of the French dynasty, compelled the German chieftains to resort to a formal election. Even then however the family of Charlemagne could scarcely be excluded wholly from the throne, as there was not (*g*) perhaps any of the greater nobles, who was not descended from that prince by a female.

The extensive country of Germany * was, at the extinction of the Carlovingian dynasty, occupied by five distinct nations, the Franks, the Saxons, the Bavarians, the Suabians, and the Lorrainers; among which the Franks and the Saxons held the principal stations, the former commanding the southern, and the latter the northern provinces. The modern Franconia was the remnant of the German district,

* Schmidt, tome 2. p. 288.

which had been occupied by the Franks. When Clovis, the first king of that people, had in the year 496 defeated at (*h*) Tolbiac the Alemanni, who sought to share his acquisitions, he profited of his victory to reduce a great part of their territory, namely * that of those who lived between the Mayne and the Lahu, and towards the Upper Rhine from Mentz to Worms: the other Alemanni placed themselves under the protection of Theodoric king of Italy; but when the power of the Goths of Italy declined, they also submitted to the Franks. These countries were converted into royal provinces; and as many families of Franks established themselves in them, they at length acquired the name of Franconia, (*i*) comprehending, besides the modern province of that name, some districts adjacent to the Rhine, as Mentz, Worms, and the province afterwards called the Palatinate. The country of the Saxons extended from the German sea to Franconia, and from the Elbe almost to the Rhine.

Though Charlemagne had at length reduced the Saxons, yet, as he survived this conquest but eleven years, he had not time for establishing over them firmly the control of the sovereign, and that great district therefore continued to maintain a considerable degree of in-

* Schmidt, tome 1. p. 233.

dependence. The importance of such an arrangement became conspicuous in the two great struggles of the German government, that of the reign of Henry IV, when it was committed with the papacy, and that of the reign of Charles V, when it was committed with the reformers; in the former the revolt of the Saxons enabled Gregory VII. to shake the throne of the empire, and in the latter the power of the Saxon elector enabled him to give protection to the leader of the reformation. But as the death of Charlemagne prevented that entire incorporation of the Saxons, which might have disqualified them for their important destination, so is it observable that his reduction of that people was essential to the very being of the German government. If he had died before the termination of this war, it is at least doubtful whether his successors would have been willing or able to continue it; and if such a people had remained, not only distinct from the other Germans, but necessarily hostile to their government, these must have clung for protection to their southern neighbours, and shrunk from the hazardous project of establishing a separate monarchy. The seasonable conquest of the Saxons removed this external danger, which would have crushed the independence of Germany, and their imperfect incorporation with the other inhabitants of that country left them in a situation, by which they

were enabled to exercise a powerful influence on the government.

By the treaty of Verdun, concluded in the year 843 among the grandsons of Charlemagne, (*k*) Lewis obtained as a distinct kingdom all the provinces situated on the right side of the Rhine; together with the cities of Spire, Worms and Mentz, with their respective territories, on the left bank of that river, which were added that they might furnish a supply of wine. This was the formal beginning of the German monarchy, though the separation from France was not finally effected until the year 888. The extensive country in which it was established, had sent forth its nations to regenerate the more southern countries of Europe, had then experienced the re-action of the government founded in the neighbouring territory of Gaul, and from this time began to be formed into a distinct and important member of the rising system of the west. Its geographical peculiarities appear to correspond very directly to its political fortunes. The Danube, probably the only river of which it has been thought necessary to compose * a regular history, served to conduct the successive hordes of barbarians into the western countries, where the absence of physical demarcations left them at liberty to indulge their migratory disposition in perpetual changes of habitation; and in later

* Danubius Pannonico-Mysicus, &c. ab Aloysio Fred. Com. Marsili.

times, while these western countries afforded a suitable site for a loose and irregular government, the numerous and complicated parts of which were to be distinguished by political, not natural divisions, the eastern, distributed by various chains of lofty mountains into the several territories of Austria, Bohemia, Moravia, and Hungary, appear to have been not less adapted to prepare a vigorous power for presiding over this disorderly combination.

Lewis, the first king of Germany, (*l*) has been described by historians in terms of commendation, which have not been applied to any other of the descendants of Charlemagne; and a reign of thirty-five years allowed him an ample opportunity for laying the foundations of its constitution. The care of Lewis was directed to the establishment of that aristocracy, which afterwards acquired so considerable an influence. It had been the policy of Charlemagne to suppress the great chieftains, who might have contested his sovereign authority, and (*m*) the original dukedoms of Germany were accordingly abolished; but the repeated incursions of the Slavians and Normans rendered it necessary to abandon this policy for the more urgent concern of the national defence, and * to appoint leaders, who might be able to collect the forces

* Schmidt, tome 2. p. 82.

of considerable districts, and repel these restless invaders. External violence is in every case the great instrument of political combination, though with a variously modified effect, according to the various modification of its action. The regular attack of a well-ordered government tends to exalt in the opposing state the power of an individual, because it can be encountered only by a force, which is directed and controlled by the prudence of a single ruler; but the desultory incursions of barbarians, which must be met by a resistance as desultory, tend in the like manner to create and aggrandize the nobles, who command in various districts, or the cities which, secure within their walls, are able to defy the efforts of such unskilful invaders. As Germany then contained no cities, the invaders by which it was assailed, gave a beginning to a powerful aristocracy. These invaders were composed partly of Slavians and partly of Normans; * the former were divided into a great number of petty tribes, incapable of uniting for any common enterprise; and the latter were so much more powerfully attracted by the wealth of France, and by the weakness of the French monarch, that their efforts against Germany were feeble and ill-directed.

* Schmidt, tome 2. p. 78, 81.

In this manner a feudal aristocracy was formed in Germany as well as in France; but it is observable that the circumstances of its formation were wholly dissimilar; in France it was chiefly the result of the imbecility of the successors of Charlemagne, in Germany it seems to have been forced upon able sovereigns by the necessity of their situation. This difference however corresponded very plainly to that of the political positions of the two countries. The weakness of the Carlovingian princes of France was necessary for suffering the great empire of Charlemagne to separate into the original members of the European system; but Germany was itself one of those members, and the incapacity of its sovereigns would have been prejudicial to the formation of its government, probably inconsistent with its very existence.

On the death of Lewis his dominions were, agreeably to his own appointment, divided among his three sons; but within six years the whole inheritance devolved to the youngest of them, Charles surnamed the Fat, together with the kingdom of Italy, which * had been acquired by the eldest; and two years afterwards the sovereignty, or (*n*) at least the regency of France, was added to this great succession. The extraordinary aggrandizement of this inca-

* Schmidt, tome 2. p. 87, 88.

pable prince was the natural prelude to the final separation of Germany from France. In three years * Charles, by his disgraceful treaties with the Normans and Saracens, had alienated all the nations subject to his government; by sacrificing to the general resentment his prime minister, bishop Luitward, he had offended the clergy; and by attempting to abolish the hereditary succession of fiefs, he had irritated the nobles. All orders accordingly conspired against him, and in the year 887 (*o*) he was formally deposed. The immediate consequence of his degradation was that the various states which he had governed became the objects of the efforts of the ambitious, no other legitimate descendant of Charlemagne in the male line then remaining, except another Charles surnamed the Simple on account of his imbecility, who was at this time of very tender age. France accordingly became the prey of an usurper, the sovereignty of Italy was disputed by the powerful dukes of Friuli and Spoleto, and Germany fell to the share of Arnold. It happened that this last country then possessed a prince, who was not only recommended by some connection with the family of its former sovereigns, but † had already acquired a considerable reputation

* Pfeffel, tome 1. p. 73, 74. † Schmidt, tome 2. p. 95, 97, 98.

in the war with the Slavians. The Germans were therefore sufficiently unanimous in the advancement of their new prince; and his illegitimacy, though not deemed a sufficient objection for setting aside his pretension, yet, * as it had six years before excluded him from the inheritance of the throne of his father, must have tended to give his government the character of an elective monarchy.

This prince was well fitted for prosecuting the work of forming the new kingdom. While † he completed the establishment of dukes, which had been begun by the first king of Germany, he contended in a vigorous reign of eleven years with the Slavian and Norman invaders of his country; he so well maintained the authorito of his crown, that he ‡ deposed the duke of Thuringia, who had not with sufficient activity resisted an incursion of the former of these nations; and (*p*) he began the important connection with Italy by two expeditions, undertaken at the desire of the Roman see, in consequence of the former of which he was, in the year 894 chosen king of Italy, and in consequence of the latter he was two years afterwards invested with the imperial dignity. He was accordingly § honoured by the Germans, while he was hated by the Italians, and feared by the French.

* Pfeffel, tome 1. p. 76. † Ibid. p. 84. ‡ Ibid. p. 80. § Schmidt, tome 2. p. 107.

One measure indeed of the government of Arnold has subjected him to censure, as the author of much public calamity. (*q*) To punish the revolt of the Moravians, and the ingratitude of their prince, he invited into Germany the Hungarians, who at first entered into his views, but afterwards committed such ravages, as almost caused those of the Normans to be forgotten. The measure was certainly injurious to the tranquillity of the country; but it appears to have co-operated with other causes to the formation of the aristocratic policy of Germany. * Charlemagne in his military enterprises had relied much on the services of infantry; but the opposition made by the inferior proprietors to the requisitions of duty, and the gradual diminution of their number under the oppressions of the great, had already given a superiority to the cavalry. The change thus begun was promoted by the introduction of the Hungarians, who fought on horseback and with arrows, and could be resisted only by horsemen. Nor was this the only influence of the incursions of these barbarians; for, in the reign of Henry I. their violences produced a farther effect analogous to their operation on the polity of Italy, giving occasion to the construction of those towns, by which that prince guarded the eastern frontier of his kingdom.

* Pfeffel, tome 1. p. 122.

Lewis, the son of Arnold, ascended the throne in the year 900, aud died unmarried in the year 911, at the age of eighteen years. This minor reign was a period of grievous agitation. It was so much disturbed by the inroads of the Hungarians, that * the Germans applied to their country the expression of the sacred writings, "woe to thee O land, when thy king is a child." The interior of Germany was at the same time harassed by civil war; but the exertions of the archbishop of Mentz, and of Otho duke of Saxony, who acted as guardians of the young prince, supported and preserved the authority of the crown. It was indeed the expiring period of the Carlovingian dynasty in Germany, and was well fitted for preparing the people to look to another family for an effective monarch, especially as it afforded Otho an opportunity of accustoming the people to respect his merit in maintaining the authority of Lewis. The growing aristocracy of Germany was also favoured by the weakness of a minor reign, and thus enabled to assert its importance in the approaching crisis: it was † accordingly at that time converted into an independent order possessed of hereditary fiefs, instead of being composed only of commissioners deriving a transitory authority from the

* Schmidt, tome 2. p. 112. † Pfeffel, tome 1. p. 92.

mandate of the crown. From this the progress was easy to farther usurpations. The great nobles gradually assumed a feudal superiority over the provincial nobility, who had before been directly dependent on the sovereign; and at length took possession of the royal domains which lay within their provinces, abolishing entirely the royal jurisdiction.

At the death of Lewis the advantage of the kind of regency, which his minority had rendered necessary, was immediately experienced. The Franks and Saxons (*r*) shared between them the dominion of the kingdom, and it was of extreme importance that they should agree in the choice of the sovereign. Fortunately the meritorious services of Otho, performed in the capacity of guardian of the late king, united the suffrages of the whole country in his favour; and fortunately also he was induced, on account of his age, to decline the honour, and to exercise his influence in procuring the like unanimous approbation of Conrad of Franconia. This * prince, who was endowed with all the virtues of a king, passed the eight years of his reign in vigorous exertions for suppressing the insurrections, by which the great chieftains of Germany endeavoured to establish an entire independence, the recent elevation of a new family having en-

* Schmidt, tome 2. p 292, &c.

couraged them to throw off the authority of the crown. But the concluding act of his life was most eminently conducive to the interest of his country, as it tended to improve the harmony subsisting between the Franks and Saxons; though he had a brother, who might have aspired to the throne, he was induced by his regard for the public tranquillity to recommend as his successor Henry duke of Saxony, the son of that Otho to whom he had been indebted for his own elevation.

The reign of Henry I, which lasted seventeen years, contributed essentially to the formation of the German government. When he had first repressed the ambition of the powerful dukes of Suabia and Bavaria, he proceeded to adopt a new and efficacious measure for protecting the country from the ravages of its barbarous enemies by constructing towns in various places. * In ancient Germany there had not been any towns; and neither Charlemagne, nor any of his successors before Henry, appears to have encouraged them. The first erection of towns in that country was the work of the church. As not only a point of honour, but also a positive canon, required that bishops should reside in towns, the bishops laboured to form towns for their residence. These were peopled partly

* Schmidt, tome 2. p. 150, &c.

by the vassals and dependents of the bishops, partly by freemen, who sought their protection, but principally by artisans and traders, who proposed at once to enjoy the opportunity of markets, and to escape from the oppressions of the lay lords. The royal farms for similar reasons became places of resort, and many of them were at length converted into towns. This changeof internal polity, the consequences of which were so very important, was promoted by the incursions of the Hungarians. To * resist these invaders Henry surrounded with walls the principal villages in Saxony and the neighbouring provinces; and having constructed new towns in the most favourable situations, he removed into them the ninth part of the nobles and free inhabitants of the country, and provided for their subsistence by collecting into magazines the third part of the produce of the neighbouring districts.

The Germans being very unwilling to submit to the restraint of a residence in towns, to overcome their repugnance Henry bestowed on these establishments extraordinary advantages, rendering them the seats of arts and trades, of fairs and public assemblies, and of all popular entertainments. In one † important particular however these towns were still deficient, no

* Pfeffel, tome 1. p. 110. † Schmidt, tome 2. p. 432.

trace of municipal government being yet discoverable in Germany. Those which had been built on the lands of bishops, were subject to officers whom they appointed; and, in the like manner, those erected at this period were administered by officers named by the king, if they were erected on the lands of the crown, or else named by the duke or count, on whose lands they were situated. But though municipal governments were not yet introduced, the inhabitants of the towns enjoyed more liberty than those of the country, because the interest of the proprietors naturally disposed them to encourage the inhabitants of the country to resort thither for protection; and at length, in imitation of the more perfect cities of Italy, each considerable town became a distinct republic in regard to all the concerns of its interior administration.

The same motive of defence, which prompted Henry to afford encouragement to the erection of towns, determined him also to form a more regular military force than had yet subsisted in Germany, * by granting pay to his soldiers, and accustoming them to a more rigorous discipline, and to a more frequent practise of military exercises. With this force he employed the latter part of his active reign † in extending and

* Pfeffel, tome 1. p. 109. † Ibid. p. 110. Schmidt. tome 2. p. 303.

securing his frontier, by taking from the Slavians and the Venedi the provinces of Brandenburgh, Misnia, and Lusatia; in rendering Bohemia again tributary, as it had been in the time of the earlier Carlovingian princes; in gaining possession of the whole of Lorraine, which had been divided between the Germans and the French; and in chastizing the Danish invaders of Germany on the one part, and the Hungarians on the other. But the great praise of Henry is that which he merited by his attention to the interior regulation of his kingdom. If, says Schmidt, * Germany owed to Conrad its preservation, and the union of all its members except Lorraine, it was indebted to Henry for the beginning of its internal policy, and consequently of its superiority over the other states of that period.

Two such reigns formed a fit preparation for the long and brilliant government of the first of the Othos, the eldest of the legitimate sons of Henry I, who was chosen to succeed him in the year 936, and in a successful administration of thirty-seven years exalted the throne of Germany to the most distinguished elevation. In this important reign the greater part of Italy became subject to the crown of Germany, the imperial title was finally transferred to the German

* Schmidt, tome 2. p. 390.

sovereign, and the papacy itself was submitted to the disposal of the new emperor; and thus was at length effected that combination of the interests of the Italian peninsula with the kingdom of Germany, which constituted the great arterial communication of the European system, conveying into this central region the active influences of ancient policy, which had survived the dissolution of the ancient empire.

Otho began his reign with repressing various insurrections. * The Bohemians were reduced after a struggle of fourteen years, and the revolts of the Bavarians and Franconians were also suppressed: even his own countrymen, the Saxons, formed a conspiracy to assassinate him, the troops of the frontiers having been dissatisfied by the interruption of the tributes of the revolted Slavians; but the conspiracy was discovered and defeated. The remainder of the life of Otho was a series of favourable events. † He rendered the Slavians tributary as far as the Oder; he carried his arms through the whole peninsula of Jutland, and gave his name to the entrance of the Baltic, from him called Ottensund; he united in his own family all the duchies of his kingdom; and he effected the important union of Italy and the imperial dignity with the crown of Germany.

* Schmidt, tome 2. p. 308, &c. † Pfeffel, tome 1. p. 122, 135

The occasion of the last interesting event was the marriage of Otho with Adelaide, the widow of Lothaire a deceased king of Italy, whom Berenger marquis of Ivree, for the purpose of establishing himself and his family on the throne, had endeavoured to force into a marriage with his son. Adelaide effected her escape to the castle of one of the followers of her family, who solicited the assistance of Otho, and offered him the hand of the queen with her pretension to the Italian throne. His marriage, which was solemnized in the year 948, was followed, in the year 952, by a treaty concluded with Berenger, * who submitted to hold the Italian kingdom as a fief from Otho, the latter reserving to himself only the districts of Verona and of Aquileia, that he might command an entrance into his new dominion. The connection of the two countries however did not long remain in this situation. The Italian prince, perceiving the German monarch embarrassed by domestic discontents, and by a new war with the Hungarians, renewed the oppressions by which he had before harassed his countrymen, and even pillaged the lands of the church of Rome. The solicitations of the Italians, and of the pope himself, determined Otho to send an army into Italy in the year 957; and in the year 961 he

* Pfeffel, tome 1. p. 125, &c.

went himself into that country: all submitted at his approach, and in the year 962 he was crowned emperor by the pontiff.

The connection in this manner formed with the papacy exhibited its peculiar character of reciprocal jealousy and irritation in its very commencement. The * pontiff speedily repented of having introduced the Germans into Italy, and concerted with the son of Berenger the means of their expulsion: the emperor in the year 963 returned to Rome, and assembled a council, which for this, and for various enormities of his personal conduct, formally deposed him from his see: and the transaction was concluded by the election of Leo VIII, at which the clergy and people bound themselves by oath (*s*) never again to choose a pontiff without the consent of the emperor. The jealousy of the pope thus gave occasion to an exercise of sovereign authority, by which that jealousy was confirmed; and the struggle of the two powers, which a century afterwards produced such important results, was commenced at the very epoch of their combination.

I have now traced the German government through a period of one hundred and thirty-three years, beginning with its separation from the empire of Charlemagne, and ending with

* Pfeffel, tome 1. p. 128.

the greatest aggrandizement of the royal power; and throughout this period we may easily distinguish a regular progress in the formation of the Germanic constitution.

A country occupied by nations so fierce and divided, required that in its earlier government the royal power should predominate, for a sufficient degree of combination and consistency could not otherwise be given to the entire mass; and accordingly I have noticed in almost every prince, from Lewis the Germanic to Otho, those abilities which in such a situation were indispensable to the maintenance and enlargement of the royal authority. Two apparent exceptions from this general progress do indeed present themselves to our observation; one in the interval between the death of the first Lewis and the advancement of Arnold, the other in the whole of the reign (*t*) of the second Lewis: but both are reconcilable to the very progress which they seem to have interrupted, as while the former decided the separation of the German state, each contributed very directly to promote the change from an hereditary to an elective monarchy. The former of these two intervals was employed in accumulating on Charles the Fat almost the whole of the grandeur of Charlemagne, apparently that when his incapacity should have rendered his degradation unavoidable, his original kingdom of Germany

might more strenuously assert its political independence, and might more readily recur to the free choice of a sovereign. The minority of the second Lewis on the other hand, by allowing to the duke of Saxony an opportunity of displaying his superior ability in the regency of the kingdom, formed a most commodious transition from the succession of the Carlovingian dynasty to the advancement of a new family. The incapacity of Charles the Fat disposed the Germans to have recourse to an election; the minority of Lewis brought forward and recommended a new object of their confidence: and though the duke of Saxony declined the honour, which the nation was willing to bestow, yet this moderation but conveni l the prince of their wishes into the guide of their first selection, and facilitated the reversionary exaltation of his son.

That the early extinction of the family of Charlemagne was not however sufficient of itself to give occasion to the introduction of an elective government, is evident from the case of France, in which that family (*u*) may be considered as having ceased to reign but eleven years after it had become extinct in Germany, though it preserved a lingering existence during seventy-six years. It still therefore remains to be considered, why the Germans did not, like the French, content themselves with sub-

stituting a new dynasty in the place of the former, but reserved to themselves the right of nominating each successive prince. To give an answer to this enquiry it must, in the first place, be observed that, as Germans, they had no satisfactory experience of hereditary succession. Lewis, their first sovereign, had been succeeded, not by one, but by three princes, who parcelled the inheritance among them; and when the whole had devolved upon one of them, he so plainly manifested his insufficiency, that within six years he was formally deprived of his power. The prince whom they then elected was succeeded by his son; but that son was an incapable minor, and died without leaving any posterity. This was the whole of their experience of succession in the family of Charlemagne. In regard to the earlier princes, who came into the place of that family, it must again be considered, what an alarming jealousy subsisted between the two leading nations of the Franks and Saxons; and the actual influence of this jealousy in the recommendation of a successor, which the first of them found it necessary to make, in prejudice of the pretension of his own brother. If to these considerations we add, * that in France the great fiefs had become strictly hereditary, but not yet com-

* Schmidt, tome 2. p. 411.

pletely so in Germany, where the royal authority was more vigorously exercised, we shall have provided a sufficient reply. It was natural that the succession to the throne should be regarded as bearing an analogy to the great vassals by whom it was surrounded. But notwithstanding all these causes it * seems almost certain, that the German monarchy would have become strictly hereditary, if the direct line of the family of Otho had been continued through a greater number of princes.

The reigns which have been reviewed, tended generally to give to Germany, in this first period of its modern history, the firm combination of a monarchical government, though of an elective form; but they also prepared the materials of that aristocracy, which afterwards prevailed over the authority of the crown, and gradually established the singular constitution of the empire. It has already been remarked that, in the reign of the very first prince who governed Germany as a distinct kingdom, the great duchies were restored, which had been suppressed by Charlemagne. During the eleven years which intervened between his death and the election of Arnold, the royal power was enfeebled, first by its division between the sons of Lewis, and then by devolving to one of them,

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whose imbecility soon sunk under the weight. Such an interval was highly favourable to the aggrandizement of the newly-created dukes, whose authority must have been still more firmly established by the importance connected with the act of deposing one sovereign, and with that of electing another. When the right of electing was, after a short interval, to be again distinctly exercised, the authority of the nobles must have received additional strength; and it has accordingly * been remarked, that in the reign of Conrad I, who was the first prince elected after the extinction of the Carlovingian dynasty, the dukes laid the foundation of a grandeur which rivalled that of the throne. But the surprize expressed by a Saracen caliph of Spain, at the constitution of Germany in the reign of Otho I, furnishes the best comment on the progress of the aristocracy of that country. Otho, † having in the year 955 sent an embassador to negociate an alliance with the caliph Abdalrahman, the latter professed to entertain the most profound veneration for the valour and sagacity of the German monarch, but declared himself unable to comprehend why, when that prince might have united in his own family the vast duchies of Germany, he should choose rather to entrust them to vassals, and

* Pfeffel, tome I. p. 102. † Ibid. p. 134.

rely on their fidelity for the attachment of his other subjects. That monarch indeed, while he preserved the constitution, which he found established, laboured to correct its defects: * he severely punished the abuses of ducal authority; and as a restraint upon the conduct of the dukes, he restored the ancient office of royal commissioners, under the title of provincial counts palatine.

The clergy may be easily conceived to have constituted a very important order, when it is considered that it had been the policy of Charlemagne, while he suppressed the dukes, to exalt the ecclesiastics, as the best expedient for retaining in subjection the fierce inhabitants of Germany; and that the districts granted to the German prelates, (*v*) having been originally of great extent on account of the wild and unproductive state of the country, became in the progress of improvement establishments of princely magnificence. The aggrandizement of the clergy was also, as well as that of the other nobles, encreased by the consequences of the extinction of the Carlovingian dynasty. As the lay nobility availed themselves of the importance attached to the right of disposing of the crown, to usurp the power and the domains of the sovereign, so did the clergy obtain from

* Pfeffel, tome 1. p. 135.

his favour or connivance advantages not inferior. The German princes * imagined that the strength of the clergy would prove a support to them against the encroachments of the dukes; and therefore the more the authority of the latter appeared formidable, the more did they labour to enrich the former, and to exempt them from the ducal jurisdictions. It will indeed appear that they were fatally deceived, since this very order overturned the royal authority, and effected the usurpations, which were apprehended from the nobles; but it was not possible to foresee the future exaltation of the papacy, and the influence which it exercised upon the German government. The completion of the greatness of the German clergy was the work of that Otho, with whose reign this view of the history of Germany has been concluded. † He bestowed on them entire counties and duchies, with the same powers which were exercised by the nobles; and subjected them to no other restriction, than that of appointing royal officers, as associates in their governments: to this restriction however they did not long submit, and they found an opportunity of freeing themselves wholly from it in the agitated reigns of Henry II. and of his successors.

These ecclesiastics had been early brought to

* Pfeffel, tome 1. p. 92. † Ibid. p. 133.

an acknowledgment of the supremacy of Rome. Germany * appears to have first received the knowledge of Christianity in the time of the Christian emperors, at least in the parts adjacent to the Rhine and the Danube; but its primitive churches fell into decay amidst the confusion of the unhappy period which succeeded. In the seventh and eighth centuries (*w*) the missionaries of Ireland and Scotland exerted themselves to restore, and to extend the Christianity of this country; and † early in the latter Winefried, an English monk, commonly called Boniface, became the great apostle of Germany, and the strenuous agent of the authority of Rome.

As an expedient for establishing the supremacy of the Roman see, Boniface persuaded the German bishops assembled in council, to frame an oath which they sent in writing to Rome, binding themselves to solicit from the pope the pall for their archbishops. But the unimproved situation of Germany, by enfeebling the authority of the archbishops, lessened very much the influence of this ordinance, by which he proposed to secure their dependence on the papacy. (*x*) As there were then in Germany no towns, much less capitals, there were no metro-

* Schmidt, tome 1. p. 421, 422. † Ibid. p. 424, 439, 440.

politan bishops, and the archbishops of Mentz and Cologne assumed a jurisdiction over the more northern districts: many of the bishops were therefore so very distant from their archbishops, that the rights of these superiors were exercised with little precision: and it necessarily happened, that the principal affairs of the German churches were regulated in national councils, over which the sovereign presided, instead of being decided by the bishops of a single province, meeting under the authority of their archbishop. But * from the death of Lewis the Germanic may be dated the fall of the liberties of the German church; a revolution which appears to have been the result of that impatience of an immediate superior, which so commonly drives men into an unqualified acknowledgement of the control of a sovereign. The decretals, falsely ascribed to the earlier popes, but really composed in the ninth century for the purpose of rescuing the bishops and inferior clergy from the oppression of the metropolitans, were eagerly recommended and enforced by the see of Rome, which they exalted on the ruins of the authority of the archbishops. The feeble reign of Charles the Fat afforded a favourable opportunity for introducing the new jurisprudence into Germany, which

* Pfeffel, tome 1. p. 94, 95 Schmidt, tome 2. p. 249. &c.

was accordingly established there so firmly, that in the year 895, a German council acknowledged their subjection in the most humiliating terms, declaring that they were bound to submit to the apostolic see, though the yoke which it imposed could scarcely be borne. But though the authority of the pope was thus extended over the church of Germany, the sovereign still retained a considerable ascendancy. Conrad I. * annulled the election of an archbishop, and of his own authority named another, to whom the pontiff thought proper to send the consecrated pall: † Henry I. even nominated all the bishops of his kingdom, and obliged them to attend his court: and Otho I, triumphed over the papacy itself, that very central power of the hierarchy, which proved so formidable to his successors.

The political aggrandizement of the German prelates had a natural tendency to give them more of a secular character than in other countries. Charlemagne ‡, influenced by the recent representations of Boniface, had dispensed with their attendance in the field; but they were so apprehensive of the loss of their feudal properties, that they continued notwithstanding to perform the same military duties as other barons. Lewis,

* Pfeffel, tome 1. p. 101. † Ibid. p. 113.
‡ Schmidt, tome 2, p. 233. 234.

the son of Charlemagne, issued ordinances on this subject similar to that of his father, but with as little effect; and the succeeding princes on the contrary, when they granted permission to a church to proceed to the election of a bishop, enjoined it to choose a person able to attend the service of the king. This consideration was also a principal reason for admitting only persons of noble birth among the canons, from whom the bishops were afterwards to be selected. The greater ecclesiastics of Germany accordingly became an order of a mixed character, princes as well as prelates; and while they differed from the secular nobility in their connection with the see of Rome, possessed like them the means of secular power, and indulged in the same habits of secular interference.

The advancement of Hugh Capet to the throne of France followed the death of Otho I. at an interval of but fourteen years. The period therefore of the German history, which has been considered in this lecture, was nearly coincident with that long period of extreme debility in the French history, in which the Carlovingian dynasty gradually expired, and that of Capet was substituted in its place. It is interesting to remark the contrasted fortunes of the two governments so recently separated, and

to consider their respective relations to the construction of the general system.

It is sufficiently obvious, that the contemporary weakness of France was most favourable to the formation of the new German government, since if that country had then been powerful, a struggle for superiority must have ensued, which might have exercised the valour, but would have interrupted the political progress of Germany. It seems therefore to have been necessary, that the principal country of the parent-empire should sink into a long-continued weakness, while the young government which was detached from it, should form without molestation its various institutions, and prepare itself for the efforts of its various functions, more especially as this government was established in a rude and barbarous country, in which scarcely any materials of political agency had previously existed. But it may be farther considered, that the importance of Germany to the general system of Europe was prior in the order of time to that of France; because Germany provided the policy of the federative system, while France was preparing the government, which should assume the principal station in that system of policy, when from the Germanic empire it had been extended over western Europe. It was therefore suited to the general order of events, that Germany should

hasten forward towards its maturity. The policy of a federative system was first to be formed within the empire, before it could be extended throughout Europe, and consequently before a government could be necessary for becoming the centre of its relations.

This diversified adaptation of these two governments appears to have been the result of the influence of individual characters. The princes of Germany were in general able, while those of France were noted for imbecility; if the two series had been interchanged, Germany must have remained a rude province of the French empire, France must have been much sooner a powerful and predominating government, and the whole system of the interests of Europe must have been varied, if indeed any regular combination of interests could at all have existed, (*y*)

(*a*) Every seed consists internally of two parts; the *corculum* or little heart, and the *cotyledon* or soft spungy substance, which is necessary for the germination and future growth of the seed: the corculum is the active principle of vegetable life, and contains within it the rudiments of the future plant. Account of Mr. Good's discourse on the structure of plants in

Nicholson's British Encyclopædia, art. *Plant.* The German government seems to have been the corculum of the system, the rest constituting the cotyledon.

(*b*) Pfeffel, tome 1. p. 3, 4. Mentz was the capital of the one, and Cologne of the other.

(*c*) Two conjectures concerning the origin of the name of this people have been proposed: it has been commonly derived from *alle* signifying *all*, and from *manne* of the same meaning with the English word *man*, as expressing an association of various tribes; some however refer it to the river Altmuhl in Franconia, which in the middle ages was called Alemon. Schmidt, tome 1. p. 118. Pfeffel, tome 1. p. 3.

(*d*) It was on this occasion that he instituted the secret tribunal of Wesphalia, of which an account has been given in note (*e*) of the ninth lecture, vol. 1. p. 480. This jurisdiction, extraordinary and violent as it was, must have been accommodated to the political wants of the Germans, or it could not have been permitted to exist. The Saxons themselves required of the emperor Conrad II, who began his reign in the year 1024, that it should be confirmed. Pfeffel, tome 1. p. 35, 36.

(*e*) He left indeed a grandson, Bernard, who had succeeded his father in the kingdom of Italy.

(*f*) Arnold was an illegitimate son of Carloman, the eldest son of Lewis the Germanic.

(*g*) The chiefs of Franconia, Saxony, and Bavaria, were all sprung, by their mothers, from the family of Charlemagne; the family of the duke of Suabia is not known. Pfeffel, tome 1. p. 96.

(*h*) Now Zulpich, between the Maese and the Rhine, in the country of Juliers. Etats formes en Europe, &c. par D'Anville, p. 13. Pfeffel, tome 1. p. 11.

(*i*) Schmidt, tome 2. p. 288. Eginhard, in his life of Charlemagne, describes Franconia as comprehending all the country between Saxony and the Danube; and, from west to east, all the country between the Rhine and the Sala, which includes Thuringia. D'Anville, p. 18.

(*k*) After the treaty of Verdun, the language of the French court, which had been German, was insensibly changed into the Romance language, or that of the conquered people, while the German was confined to Germany. Schmidt, tome 2. p. 134.

(*l*) All that has been remarked of him by Schmidt, is that if there was any difference between the sons of Lewis the Debonnaire, he was the best, both in regard to valour and other political virtues; tome 2. p. 85. He seems however to have been much superior to his brother Charles the Bald. Henault calls him one of the most

virtuous, and of the greatest princes, who ever reigned in Germany; vol. 1. p. 75: and Mezeray describes him as possessing every good quality of a prince, and approaching nearer than any other of his family to the character of Charlemagne; tome 2. p. 130.

(*m*) In the year 787 he deposed Tassilon duke of Bavaria, who was the last of the order. Pfeffel, tome 1. p. 31.

(*n*) Charles the Simple being then thought too young to govern France, Charles the Fat was made king according to Henault, but only regent according to Pfeffel.

(*o*) Pfeffel, tome 1. p. 73. He died in the following year in the abbey of Reichenau in Suabia, having been maintained by the charity of the archbishop of Mentz. Ibid. p. 74.

(*p*) The first was undertaken in the year 893, at the solicitation of Berenger duke of Friuli and king of Italy, and of the pope, Stephen VI, to deliver them from Guy duke of Spoleto, who had been chosen king by a party in the year 889, and crowned emperor in the year 891. The second was undertaken in the year 896, at the request of another pope, Formosus, who was menaced by the marquis of Tuscany. The advancement of Arnold to the imperial dignity was in the next year annulled, as that of a barbarian, by Stephen VII, who was of a party op-

posed to that of Formosus. Ibid. p. 80—83. Saint-Marc, tome 2. p. 622, 630.

(*q*) Schmidt, tome 2. p. 99. They had been driven from Italy, and having wandered a long time, were at last established in Moldavia, Wallachia, and a part of Transylvania. When they had been thus invited by Arnold, they availed themselves of the opportunity to dismember the kingdom of Moravia, which extended almost to the extremity of Pannonia, and having joined to it a part of the Thracian Dacia, they formed the modern Hungary in the year 893, or 894. Ibid. p. 100.

(*r*) The Franks, besides the ancient Franconia, commanded Bavaria and Suabia; Thuringia was attached to Saxony. Pfeffel, tome 1. p. 96.

(*s*) This stipulation was not a mere formality, for John XIII. was elected in conformity to it, after the death of Leo VIII. Ibid. p. 131.

(*t*) I have called this prince Lewis II, because he is the second of the name in the series of German sovereigns: but Pfeffel calls him Lewis IV, reckoning Lewis the Debonnaire, son of Charlemagne, as the first, his son Lewis, the emperor and king of Italy, as the second, and one of the three sons of Lewis the Germanic as the third. The German historian has excluded Lewis the Germanic from the numeration, apparently because he has followed the

series of emperors, rather than that of the princes of Germany.

(*u*) In the year 888 the Carlovingian dynasty of France was interrupted by Eudes count of Paris, placed on the throne to the prejudice of Charles the Simple, who however succeeded him. Charles was afterwards deposed by Rhodolph, and the Carlovingian line again broken; but after the death of that prince it was again restored in the person of a son of Charles, and continued in those of his grandson, and great-grandson. It was terminated by the advancement of Hugh Capet in the year 987.

(*v*) Ibid. p. 204. However the endowments of the clergy were so rich even in the time of Lewis the Debonnaire, that those churches were esteemed but moderately wealthy, which possessed only 1000 or 2000 *manses* or farms; those which were thought rich, possessed 7000, or 8000, or even more. Ibid. p. 205.

(*w*) Ibid. tome 1. p. 423. Thus Saint Kilain went in the year 687, to preach Christianity in the modern Franconia; Emmera in the year 625, and Rupert in the year 718, visited Bavaria for the same purpose; and in the year 739 Wilibrord taught in Frisia and Thuringia. Ibid.

(*x*) Ibid. p. 434. However in the year 834 Lewis the Debonnaire, as a hope began to be entertained that Christianity might be extended in the north, established an archbishopric at

Hamburgh, which was in the year 849 transferred to Bremen. Ibid. tome 2. p. 201.

(*y*) Germany in this period may be considered as bounded on the north by the German ocean and the river Sley, which passes by Sleswick, the territory which Otho I. acquired beyond this river having been quickly recovered by the crown of Denmark; on the south by the Rhine, the Reuss towards Burgundy, and the Alps towards Italy; on the west by the Maese and the Scheldt; and on the east as separated by the Leytha and the Morava from Hungary, and by the Oder from Poland, Silesia and Mazovia being at most but honorary fiefs. Pfeffel, tome 1. p. 175.

LECTURE XVIII.

Of the history of Germany from the beginning of the reign of Otho II. in the year 973, *to the death of Lothaire II. in the year* 1137.

Otho II.	973
Otho III.	983
Henry II.	1002

Franconian dynasty.

Conrad II.	1024
Henry III.	1039
Henry IV.	1056
Beginning of the struggle with the papacy	1076
Henry V.	1106
Concordate of Calixtus II.	1122
Lothaire II.	1125

IN the last lecture I traced the history of the German government from the year 840, in which it first became detached from the empire formed by Charlemagne, to the year 973, which

terminated the splendid reign of the first of the Othos. That period of one hundred and thirty-three years was filled with events most important to the future destiny of Germany. A government comprehending various fierce and rival nations required that, in its commencement, the royal authority should be exercised with vigour, to give consistency and union to so heterogeneous a whole; and accordingly a succession of able monarchs, with little interruption, asserted and established the dominion of the crown. The peculiar destination of this part of the European system seems, however, to have also required, that an independent and powerful aristocracy should afterwards resolve the government into a great federative association, the parts of which, being but slightly connected by subordination to any common control, might begin those relations of general policy, which should afterwards be extended over Europe; and we accordingly observed, in this first period of the German government, the original and the gradual encrease of that aristocracy, both secular and ecclesiastical, which afterwards humbled the power of the crown, and transformed the monarchy into a confederation of states almost wholly independent. And, lastly, the same period exhibits to us the commencement of that singular connection with Italy, which wasted the efforts of the

German sovereigns in the vain pursuit of an ideal dignity, excited the ecclesiastical superior of Christendom to employ all his power in disorganizing a monarchy, which threatened him with the most alarming pretensions, and thus introduced among the Germans the intrigues and combinations of Italian policy. The subject of the present lecture is the farther developement of the Germanic constitution, as it was effected by the degradation of the royal authority and the aggrandizement of the nobility and clergy; and it accordingly includes the mighty struggle of the ecclesiastical and secular authorities.

At the death of Otho I. * every thing seemed to promise to his descendants an inheritance of prosperity and glory. His reign of thirty-seven years, his extraordinary good-fortune, and the esteem which he had acquired in the latter part of his life, had almost caused the Germans to forget that they were different nations; the southern countries of Germany too had become accustomed to the ascendancy of the Saxons, and the more considerable duchies were possessed by the family of Otho. The external situation of the government was not less favourable. Tranquillity had been established in Italy, France was enfeebled by the disorders which

* Schmidt, tome 2, p. 330, 331.

preceded the usurpation of Hugh Capet, and the Slavian borderers of Germany were intimidated. But the very event which threw the brightest lustre on the reign of Otho, the acquisition of the kingdom of Italy and of the imperial dignity, was that which in its consequences proved destructive of all this grandeur; within forty years is effected the extinction of the male posterity of this prince, and in a subsequent period it subverted that royal authority, which he appeared to have established with so much security.

When Otho II. had in the beginning of his reign maintained the tranquillity of Germany by repressing the disturbances of his own family, by repelling the incursions of the Danes, and by securing the connection of Lorraine, he undertook an expedition into Italy, which was the occasion of all the misfortunes of his house. * Crescentius was at that time the leader of an insurrection of the Romans, the object of which was to abolish the authority of the papacy, and to restore the ancient magistracy of the consuls; but the counts of Tusculum, who were always powerful in Rome, resisted his attempts, and Otho, by his arrival effected the entire suppression of the insurgent party. The views of the German monarch however extended farther than the

* Schmidt, tome 2. p. 334, 335.

re-establishment of the tranquillity of the papal see. Anxious to complete the Italian acquisitions of his father, and also excited by the representations of the princes of Benevento and Capua, who for their submission to his father had experienced much annoyance from their Grecian neighbours, he engaged in an attempt to reduce under his authority the more southern provinces of the peninsula. The immediate consequence of this attempt was the entire defeat of the German monarch; the remote one was the formation of a power, which, by affording a new support to the papal see, enabled it in a subsequent period to triumph over the authority of the imperial crown of Germany. * The Grecian inhabitants of these provinces, unable to oppose a sufficient resistance to the attack of Otho, invited to their aid the Saracens of Sicily and Africa; to combat these new neighbours a troop of Norman adventurers were, forty years afterwards, permitted by the German sovereign to establish themselves in Italy; and from the establishment of the latter arose the kingdom of Naples, which proved the asylum of the Roman pontiff in his contests with the emperor. The defeat of Otho II, and his death, which shortly succeeded, were attended by a general fermentation among the northern neighbours

* Schmidt, tome 2. p. 335. 364.

and dependents of Germany: the Danes invaded Saxony, and the Slavians revolted; and though the inroads of the latter were repelled, they were not yet reduced to the dependence, to which they had before submitted.

Otho II. was succeeded by his son Otho III, who was then but three years old, the regency being entrusted to his mother, the empress Theophania, who had been a Grecian princess. After the death of the empress, which followed that of her husband within eight years, the government was assumed by Adelaide, widow of the first Otho. These female regencies were favourable to the improvement of the German manners, without being injurious to the authority of the crown, which * was sufficiently supported by the general loyalty of the dukes of Germany. The influence of a Grecian, and of an Italian princess, could not but conduce to the refinement of that grossness, (*a*) which then characterized the people of that country, especially as † the former enjoyed in her regency so much authority, that charters have been found, which were dated with the years of her reign. The influence of Adelaide must indeed have already operated to the same end in the reign of her husband Otho I, and that of Theophania in the reign of her husband Otho II;

* Schmidt, tome 2. p. 340. † Pfeffel, tome 1. p. 144.

but the great improvement appears to have been effected during their regencies, when they administered the supreme power of the state, and principally during the more authoritative government of Theophania. Accordingly * we find Ditmar lamenting the degeneracy of the manners which prevailed in his own time, and extolling the simplicity of those in the reign of the first Otho; in particular he censures the immodest exposure of the persons of the female sex, introduced by the fashions of dress recently adopted, and he complains of the daily encrease of the number of adulteries. It is indeed very probable that many improprieties, and even immoralities, would attend a sudden transition from gross and simple manners to the free intercourse of more refined and elegant society; and it may perhaps be maintained, that the coarseness of a semibarbarous people might be more speedily and effectually civilized by the admixture of a contrary system of manners, though such as could not be reconciled to the strict rules of decorum or morality: but it may be conjectured, on the other hand, that much of the lamentations of this writer may have been suggested by the querulous disposition, which, offended by the faults of present manners, ascribes to the rudeness of preceding

* Schmidt, tome 2. p. 387, 388.

times an unmerited character of simplicity and virtue.

The connection of Italy with the German crown proved fatal to Otho III, as it had been to Otho II, and to another son, and a grandson, of Otho I: the troubles of Rome, occasioned by the repeated insurrections of Crescentius, determined him twice to visit that country, and he died in the second of these expeditions. Thus * within a few years perished all the male posterity of the illustrious Otho. The same fatality might indeed have occurred, if they had never quitted their native country; but it seems reasonable to ascribe it to the baneful influence of a climate, which was almost constantly injurious to the health of the Germans of this period.

The last of these princes † had formed a scheme, the accomplishment of which would have essentially altered and disturbed the entire system of the politics of Europe. Educated by his mother Theophania in the refinements of Grecian politeness, he conceived a distaste for the grossness of his countrymen, and determined to establish in Rome the seat of his authority. With this design he introduced into his court an establishment and a ceremonial borrowed from the usages of the Greeks and

* Schmidt, tome 2. p. 348, 349. † Ibid. p. 346, 349.

Romans, and remained at Rome an entire year, during which he laboured to conciliate the attachment of the principal persons of the city. But notwithstanding all his efforts he experienced the restless turbulence of the inhabitants of that ancient capital, whose imaginations still cherished the memory of their ancient greatness. A tumult suddenly arose among the people, and the emperor was during three days closely invested in his palace, from which he was with great difficulty rescued. Deeply offended by this instance of the ingratitude of a people, to whom he had been strongly attached, he was preparing to inflict upon them the vengeance which they had provoked, when death arrested his career, and thereby defeated a scheme, which would have destroyed the independence of the papal power, and confounded the system of Europe.

The series of the Saxon emperors was concluded by Henry II, chosen to succeed the last of the Othos, who had died without issue. This emperor, though not descended from any of the three Othos, was * yet of the same family, being sprung from a brother of the first of those princes, and in this manner lineally descended from his father Henry I. But though the same family still occupied the throne, the failure of

* Pfeffel, tome 1. p. 152.

the line of the Othos could not but be followed by important consequences. * Had this series continued to preside over the monarchy in regular succession, there can be little doubt that the German crown would, like others, have become strictly hereditary. The elections of the Othos had been mere formalities. The archbishop of Mentz, at the coronation of the first of these sovereigns, presented him to the people as chosen by God, nominated by his father Henry, and then made king by the princes it: was said of this monarch, that he had made his son king, being elected by all the people: and even of Henry II, though he had not received the crown by a lineal succession, and had encountered a vehement opposition, it was maintained by the Saxons, that he ought to be king by the grace of God, and in virtue of his own hereditary right. But the interruption of the regular succession must have weakened the pretension, however it was still maintained by the Saxons in favour of a Saxon family; and at the death of Henry II. it was yet more effectually enfeebled by the advancement of a new family to the possession of the throne. It is true indeed, that each successive family transmitted the crown in a regular descent, though subject to the forms of election; but even these

* Schmidt, tome 2. p. 410, 411.

forms served to cherish the importance of the great nobles who were the real electors; and in those changes of the reigning families, which (*b*) were so much more frequent in Germany than in other countries, the most favourable opportunities were afforded for the aggrandizement of the aristocracy.

The reign of Henry II, the last of the Saxon princes, formed a very suitable transition to the establishment of a new dynasty, not merely as it was a departure from the lineal succession, but yet more as it was agitated by a series of disturbances. The weakness of this sovereign had however consequences, which extended beyond the introduction of another dynasty, and even directly affected the formation of the general system: (*c*) about the year 1018 he was compelled by the Poles to consent to a peace, which loosened the connection of Germany and their country; and * in the year 1022, for the purpose of protecting his dominions in the south of Italy against the attacks of the Saracens, he granted an establishment to those Norman adventurers, to whom may be traced the origin of the kingdom of Naples. The latter measure had indeed an important bearing on the subsequent fortunes of Germany itself, by giving a beginning to a government, which supported

* Schmidt, tome 2. p. 364.

the papacy in its great struggle with the empire. In the year 1024 he also died without issue, having recommended as his successor Conrad the duke of Franconia.

In this manner, after a period of one hundred and five years, was terminated the series of the Saxon sovereigns of Germany. This period exhibits a series of princes, who in general maintained that ascendancy of the royal authority, which was so very necessary to the consolidation of the government of a country inhabited by various nations, all rude, warlike, and independent. The next period, that of the Franconian princes, presents a very different picture. Under their government we behold the royal authority, which had at this time accomplished its purpose, degraded into insignificance, the secular and ecclesiastical aristocracies established on its ruin, and the cities first beginning to assume that importance, which was afterwards so favourable to the commerce of Germany.

The aggrandizement of the lords and bishops of Germany, which became so considerable in the time of the Franconian sovereigns, had indeed been silently prepared in that of the Saxon, as the prosperity of the cities, which, after the termination of the Franconian line, was carried to its utmost height in the formation of the celebrated Hanseatic league, was

itself originally the growth of this latter period. Each dynasty appears to have had its distinct and appropriate destination in the construction of the German constitution, but each at the same time appears to have made preparation for that, which was peculiarly the function of its successor. * The reigns of Otho and his successors afforded the most favourable opportunities for augmenting that greatness, to which the dukes had already attained, their frequent absences, occasioned by the new connection of Italy with the German crown, leaving these nobles at liberty to establish and extend their privileges. Accordingly † under the Saxon emperors the duchies became generally hereditary, insomuch that, in failure of heirs male, they passed to the husbands of the daughters or sisters of the deceased. The claim of succession ‡ was not however considered as founded upon an absolute and rigorous right. Otho I. refused to his brother-in-law a county which he claimed as the nearest relative of the last count; and Henry II. gave the duchy of Carinthia to a person of a different family. But § when a ducal family had became wholly extinct, the estates of the province claimed a right of concurring in the election. The general estates also ‖ ac-

* Schmidt, tome 2. p. 442. † Pfeffel, tome 1. p. 167.
‡ Schmidt, tome 2. p. 403, 404. § Pfeffel, tome 1. p. 167.
‖ Ibid. p. 162.

quired under Henry II. a prodigious encrease of authority: their consent became an essential condition of all public resolutions, and Ditmar called them the coadjutors of Henry, and the pillars of the government.

The progress of the ecclesiastical aristocracy in Germany was yet more rapid. (*d*) The erroneous policy of Otho I, and still more the imprudent piety of Henry II, * who has been called the father of the monks, accumulated on the clergy the most important rights, and the most valuable possessions. Otho indeed imagined that he could retain them in dependence on the royal power, by reserving to deputies appointed by the crown the government of the ecclesiastical principalities; but † his successors, and particularly Henry II, abandoned this prudent precaution, granting to the churches those very charges, which had been designed to be restraints of the power of the clergy, and even uniting to them the government of the cities, in which the prelates held their residence. The inconsiderate liberality of the emperors was imitated by their subjects, who all regarded it as a religious duty to enrich the churches and monasteries; and interested motives cooperated with this principle of mistaken piety, many proprietors voluntarily becoming vassals of the

* Pfeffel, tome 1. p. 162. † Ibid. p. 170, 171.

churches, either that they might be enabled to avoid military duties and the provincial impositions, or that their properties might be protected from violence by the spiritual weapons of the clergy.

Conrad duke of Franconia was in the year 1024, elected to succeed Henry II, and began the Franconian line of German monarchs. The southern, or Frankish, provinces of Germany had become impatient of the ascendancy of the Saxons, and these yielded to their pretensions, * either because their princes were too old, or because they were not popular in the empire. Conrad was not however entirely unconnected with the Saxon line, being a descendant of a daughter of Otho I.

In the successive elevation of these northern and southern dynasties we may perhaps remark a correspondence to the general progress of the internal policy of Germany. In the earlier period of the government the ascendancy of the Saxon family accelerated the improvement of the ruder provinces, and more effectually secured the frontier against the inroads of the Norman and Slavian tribes: but in the latter period, when these purposes had been effected, the advancement of a Franconian family, by giving more importance to the provinces bor-

* Schmidt, tome 3: p. 7.

dering on the Rhine, had a natural tendency to favour the improvement of those commercial cities, which soon afterwards became important members of the Germanic body. Another considerable influence of this change is discernible in the great struggle of the reign of Henry IV, which affected in a manner so important the constitution of the empire. The revolt of the Saxons, it will be seen, was the powerful auxiliary of papal usurpation; and that revolt was the direct and natural consequence of their impatience under the loss of their former ascendancy.

The first and second princes of the Franconian dynasty swayed the sceptre with a vigour, which did not promise a degradation of the sovereign authority. Conrad II. in particular distinguished himself as a prince of very superior endowments. (*e*) He traversed without delay the principal provinces of Germany, and every where displayed so much sagacity and firmness, that he was proverbially compared with the illustrious Charlemagne: * he appears indeed to have taken that prince for his model; and though he could not venture to imitate him in suppressing the duchies, yet he endeavoured to palliate the mischief by uniting the more considerable of them in his own family.

* Schmidt, tome 3. p. 205, 206.

His reign however, which comprehended but fifteen years, was not long enough for the full accomplishment of the plan which he meditated; nor was his immediate successor, though a respectable sovereign, capable of prosecuting what he had begun. Instead therefore of effecting a permanent restoration of the royal authority, * which would probably have been the result of his government, if it had been a little protracted, he only asserted pretensions which awakened the jealousy of his subjects, and then left the empire to a prince desirous indeed of supporting the dignity of the crown, but destitute of the sagacity which was indispensably requisite for maintaining it in circumstances of so great difficulty.

Two events of general importance distinguished the reign of Conrad II, while they corresponded to the vigour and sagacity of his character; the extinction of the petty kingdom of Burgundy, and the completion of the feudal law. By his activity and decision † he acquired, in the year 1033, the possession of Burgundy, the succession of which ‡ had been ceded to his predecessor Henry II, by its king Raoul or Rhodolph. This union however of Burgundy to the crown of Germany § became but the

* Schmidt, tome 3. p. 21. † Pfeffel, tome 1. p. 185.
‡ Ibid. p. 160. § Ibid. p. 186. Schmidt, tome 3. p. 21.

epoch of the entire destruction of the royal authority in that country, where it had been long disregarded: a number of little hereditary principalities were soon formed in it under the sovereignty of the empire; and at length the territory separated into parts, which successively attached themselves to the surrounding governments. The greater part of the states of Burgundy passed, at different times, and by various titles, under the dominion of the kings of France, from which they had been anciently dismembered; some joined themselves to the confederacy of the Swiss republics; and the remainder, including the duchy of Savoy, were admitted among the states of the empire. The kingdom, since the union of its two parts, Burgundy Transjuranan and Cisjuranan, had subsisted one hundred and five years; and the growth of the general system seems to have at length provided organs capable of absorbing into its constitution what had thus long existed in a state of distinctness. The other memorable incident was the consummation of the feudal institutions of Europe. * In Italy the same spirit of independence, which animated the nobles, had extended to their vassals, who accordingly demanded the enjoyment of corresponding privileges; and Conrad, in the year 1037,

* Schmidt, tome 3. p. 19.

terminated the contest by conceding to the latter * the liberties which they required. From that country these regulations were adopted in the others, in which the feudal principles prevailed.

Henry III, son of Conrad II, though not equal to his father, was a prince of very eminent qualities. † Just, religious, brave, and attached to literature, he was well qualified to promote the general improvement of his dominions; and his vigour exalted the imperial authority to even a greater height than it had attained in the reign of Conrad. But as the exertions of Henry were not regulated by the prudence, which had presided over those of his father, this aggrandizement of the imperial authority was but the preparation of the downfal which it suffered in the succeeding reign. Anxious for the domestic tranquillity of his kingdom, he prohibited those private wars, which the independence of the German nobles had already rendered frequent, and established and maintained a public peace throughout the whole country. Such a measure, if enforced with a cautious moderation, would have been extremely beneficial: but ‡ the severity with which Henry executed this ordinance, excited such a

* Lecture 15, note (c). † Pfeffel, tome 1. p. 201.
‡ Ibid.

formidable discontent among the nobles, whose violences he had restrained, that in the latter part of his reign he was obliged to bring the pope from Italy to pacify their resentment. He was not the less incautious in his conduct towards the Roman see, and by the ascendancy which he ventured to assume, decided the fortune of the German monarchy.

Rome * being at this time distracted by the struggles of three popes, Henry, who had proceeded into Italy to restore the peace of the church, as he had already established the tranquillity of Germany, caused two of the rivals to be deposed, and having induced the third to withdraw his pretensions, procured the election of a German bishop, and the renewal of the ancient ordinance, which enjoined that a pope should not be elected without the consent of the emperor. The circumstances of that period enabled him to give to the restored ordinance a repeated operation. † Clement II, the pope whom he had first caused to be elected, having died at the expiration of nine months, the Romans sent embassadors to Germany to demand a new pope of the emperor, who, by the advice of the bishops of Germany, and with the consent of the embassadors, appointed another German, Damasus II: this pope also,

* Pfeffel, tome 1. p. 194, 196. † Ibid. p. 197,—199.

having died soon afterwards, they again sent embassadors, and received from Henry his kinsman Leo IX: and at the end of five years, Leo too having died, they commissioned the famous Hildebrand, then archdeacon of Rome, to choose, in the name of the clergy and people of that city, a pontiff from among the bishops of Germany.

Such a decisive control of this important election, so repeatedly exercised, could not fail to irritate the papal court, though the situation of the Roman see made it then impossible to resist. Agitated within by the contests of the competitors for the ecclesiastical sovereignty, and harassed from without by the depredations of the Normans, recently established in the southern provinces of Italy, the papal court was at this time forced into an admission of the pretensions of the emperor. But an incident, which occurred to Leo IX, gave occasion to the subsequent adoption of a different policy. That pontiff, having been defeated and taken prisoner by his Norman enemies, was treated with the most profound respect; and their duke, having restored the lands which he had usurped from the church, declared himself the vassal of the holy see: the Norman state was therefore soon regarded as the sure ally of the papal power, and in the reign of the succeeding emperor it enabled the pontiff to humble the

authority of that crown, on which his see had been lately so entirely dependent.

Historians have concurred in remarking, how critically unfortunate was the *(f)* premature death of Henry III. He had taken, says * Schmidt, such steps in regard to the popes and German princes, as either should not have been taken at all, or should have been maintained. Whether they could have been maintained, if a longer reign had been allowed him, is at least extremely uncertain, since just before his death he found himself obliged to have recourse to the pontiff to pacify the princes of Germany; but however this may have been, the premature termination of his reign, succeeded as it was by a long minority, left the way open for all the enterprises of domestic and external aggression, which his government had provoked. In this view both his character and the time of his death appear to have been accurately adjusted to the crisis, in which he ruled the empire. The friend of order and of justice, he promoted the prosperity of his country during his own government, while the vigorous, but indiscreet exercise of his authority, prepared those irritations, which afterwards destroyed the ascendancy of the royal power; and dying in the flower of his age, and just, as

* Tome 3. p. 40.

Pfeffel has remarked, * when he was going to take the most effectual measures for securing the peace of the church, the glory of the empire, and the internal tranquillity of Germany, he left these discontents to acquire consistency and power under the feeble government of a minor, who was then only six years old.

In the year 1056 began the reign of Henry IV, memorable for the violent contest with the papacy, which first shook the authority of the German crown, and relaxed the combination of the government. All its circumstances appear to have been combined to the production of the catastrophe, by which it was distinguished. Commencing with a long minority, it afforded an ample opportunity for the developement of the discontents, which the unguarded energy of the preceding reign had excited and fomented; and continuing through the half of a century, it allowed also a sufficient time for the completion of the revolution, in which they naturally terminated. The personal character too of Henry was singularly accommodated to the result of this agitated period. † Having been neglected in his education, while rival prelates were contending for the regency of his kingdom, he indulged in the earlier part of his government those intempe-

* Tome 1. p. 201. † Schmidt, tome 3. p. 42, &c.

rate passions, which contributed to alienate from him the higher classes of his subjects; but the good qualities of his heart, and the resolute vigour of his conduct, attached to his cause the lower orders, which could not be affected by his caprices, and especially the new order of the inhabitants of towns, which was at this time rising into importance, and in reward of this attachment became the favoured object of royal encouragement.

The minority of Henry IV. was * disturbed by a vehement contention between the archbishops of Cologne and Bremen for the government of his kingdom, and the care of his person; an apt prelude to the ecclesiastical usurpation, by which his manhood was so calamitously harassed. Such a contention naturally afforded a favourable opportunity for the discontents which were then ready to break forth in Saxony; but it also happened, that the archbishop of Bremen, who prevailed in this contest, had been exposed by the situation of his see to various personal provocations, which had irritated him against the nobles of northern Germany. The irritation of the minister was communicated to the king, who on his own part had sufficient cause for dissatisfaction. The Saxons, † jealous of the great authority acquired by the

* Schmidt, tome 3. p. 45—50. † Ibid. p. 50—58.

Franconian princes, and considering the minority of the reigning sovereign as a crisis favourable to their wishes, began to indulge themselves in an open expression of their sentiments; they then proceeded to a contemptuous disregard of the royal authority, exercising the most unrestrained violence, and in particular pillaging the churches; and at length a conspiracy was formed among them for destroying the king, and placing one of their own party on the throne. Various occurrences inflamed the animosity, which was thus kindled between the monarch and a large portion of his subjects, until, in the seventeenth year of Henry's reign, the Saxons were provoked to an open insurrection by the fortresses, which he had caused to be erected for the purpose of retaining them in subjection.

On this occasion it was, that the influence of the imperfect combination of the German monarchy first became conspicuous. The people of Saxony, proud of the magnitude of their territory, but regarded by the southern Germans as the people of a conquered province, could never forget that they were a body distinct from their fellow-subjects, and were therefore always ready to act, with all their formidable power, as a party in the empire. While Saxony gave princes to Germany, the inconvenience of this want of combination was not apparent, because

the force of this great province was associated with that of the crown; but when its princes ceased to sway the royal sceptre, Saxony became a standing opposition in the government, and in the great struggles, in which the government was at different times engaged, it espoused and supported the party, which was adverse to the sovereign. In this reign, in which the imperial dignity was assailed by the papacy, the Saxons were the allies of the Roman see, and the effectual instruments of its measures: in the other great struggle of the sixteenth and seventeenth centuries, in which the empire supported the cause of the ancient religion, the Saxons were not less disposed to be the determined champions of religious independence.

In the fourth year of the reign of Henry IV. a pontiff was nominated by the regency, as had been so frequently practised by the preceding sovereign. This pontiff * however, who assumed the name of Nicholas II, immediately issued a decree, which may be considered as the precursor of the fatal contest of the secular and ecclesiastical authorities. This decree enjoined that, when the holy see should be vacant, the new pontiff should be selected from the clergy of the Roman church in preference to all others; and though it professed to reserve the

* Pfeffel, tome 1. p. 206.

rights of Henry, yet by declaring these rights to be derived from a concession granted particularly to himself, it made preparation for their suppression. Nor did the court of Rome propose to confine itself to a mere war of words. The Normans established in the south of Italy were at the same time enlisted in the cause of the church, the pontiff creating their chieftain Robert Guiscard duke of Calabria, Puglia, and Sicily, under the sovereignty the holy see, and constituting him and his successors the protectors of the freedom of the papal elections.

The object of these measures was manifested in the following year, * when, on the death of Nicholas, the independent party in Rome, supported by the Normans, rejected a pope whom Henry had selected, and substituted another in his place. The great contest was however reserved for Hildebrand, who had indeed in a subordinate station directed these preparations, but was not himself placed on the papal throne, until the year 1073, or twelve years after the advancement of that pontiff. It seemed as if the principal agent had been kept back, until the scene of his exertion had been particularly made ready for his decisive efforts. In that year the scene was completely ready for his reception, † the discontents of the Saxons just then

* Pfeffel, tome 1. p. 208. † Ibid. p. 211.

breaking into an open insurrection, and thus the instrument, by which he shook the throne of Germany, being prepared for his use.

This extraordinary man, whose unbending fanaticism so well qualified him for the arduous struggle which he maintained with Henry, * immediately began to execute his long-meditated purpose of establishing at Rome an ecclesiastical empire, which should not only control the clergy, but superintend and direct all the temporal concerns of Europe. The imprudent impetuosity of Henry was the character best suited to favour the enterprises conceived by the cool, yet daring ambition, of Hildebrand, or, as he was named on his advancement to the papacy, Gregory VII. Forgetful of the proceedings which had so plainly indicated the designs of Rome, of the decree of Nicholas, and of the election of his successor, † he incautiously appealed to the pontiff against the insurgents of Saxony; and the Saxons having immediately retaliated by bringing numerous accusations against their sovereign, Gregory seized the opportunity of constituting himself the judge of the emperor. The pontiff accordingly sent his legates to a German diet, to upbraid the monarch with the crimes, with which he had been charged by the Saxons; to accuse him

* Pfeffel, tome 1. p. 213. † Ibid. p. 214, 215.

also of impiety, in maintaining the right of investing bishops with the temporalities of their sees; and to require that he should attend a synod shortly to be convened, and there answer to all these allegations. Henry dismissed the legates with disdain; and, in a national synod assembled at Worms, caused a resolution to be formed, declaring Gregory to be deprived of the pontificate, for having dared to assume the character of the judge of his sovereign, and for various other offences. Gregory replied by excommunicating and deposing Henry, and absolving his subjects from their allegiance; and the insurrection of Saxony was immediately renewed under the pretence of supporting the sacred cause of the church.

Thus, in the twentieth year of the reign of Henry began the great struggle of the imperial and the papal powers, which through the remaining thirty years of his life, subjected him to the most degrading humiliations, excited his sons to rebellion, and finally deprived him of his crown. In the beginning Henry was eager to avert the danger by a timely submission, and that he might prevent a journey which the pontiff proposed to make into Germany, waited on him in Italy, where he underwent the most mortifying penances; but Gregory having about the same time instigated and approved the election of another sovereign, Henry pen-

ceived that his only hope of safety was in resolution, and determined to pursue him to destruction. The pontiff was quickly forced to yield to the fury of the monarch, and being driven to seek refuge among his Norman friends in southern Italy, ended his life in exile from his see: the cause however survived the champion, another revolt in Germany afforded its assistance, and the emperor was overpowered in his turn. Three succeeding pontiffs renewed the decrees of Gregory, and the second of them was careful to strengthen the important connection which had been formed with the Normans, * by giving to their dukes the famous bull of the Sicilian monarchy, which constituted him and his successors legates of the Roman see. The contest indeed languished under the successors of Gregory, and the Saxons, having become weary of insurrection, Henry seemed to have securely established his authority in Germany; but, † just as he was preparing to visit Italy for the purpose of bringing the pontiff to an accommodation, he was encountered by a rebellion of (*g*) his second son Henry, and having been induced to confide in his expressions of repentance, was arrested, and compelled to abdicate his crown.

Henry V, though advanced to the throne by

* Pfeffel, tome 1. p. 221. † Ibid. p. 224.

the influence of the papal censures, * resisted the pretensions which were immediately obtruded on him by the pontiff. The disturbances of Germany were accordingly again excited; but Henry, having at length succeeded in repressing his domestic enemies, compelled the pontiff Calixtus II, in the year 1122, to consent to a concordate, by which the claims of Rome were compromised after a struggle of sixty years. The freedom of ecclesiastical elections, for which this convention provided, (*h*) did not satisfy the ambition of the papal court; and a change of the formality of investiture, by which the sceptre was substituted for the cross and ring, was of little importance, since it was admitted that ecclesiastics were still bound to the discharge of all the feudal duties. The personal qualities of Henry V. seem to have fitted him for bringing the pontiff to such an accommodation; for † he knew how to give a certain energy to all his proceedings, and acquired very great authority both at home and abroad. Calixtus appeared at first to be determined to maintain the claims of the papacy; but the energy of Henry prevailed, and the compromise was effected.

But though the honour of the German crown was saved by these stipulations, the efforts of

* Pfeffel, tome 1. p. 230. † Schmidt, tome 3. p. 155.

the papacy were renewed with more success in the following reign, which presented a favourable opportunity. The concordate however seems to have been important, as it precluded that direct triumph of the Roman see, which would have established the ecclesiastical, while it ruined the secular authority. The progressive formation of the system of Europe seems to have required, that the bonds which combined the German monarchy should be relaxed in the struggle, and the government thus transformed into a loosely connected confederation; and this was best effected by the indirect and insidious efforts of an adversary, who had been compelled to renounce the hope of an open and acknowledged superiority, and was thus incapacitated for introducing a new principle of political combination in the place of the royal power.

Henry V. was secured from the misfortune which had overwhelmed his father, by not having any son to become a leader of rebellion; but the same circumstance which protected this monarch, enfeebled the government of his successor, by abandoning the crown to an election. The new sovereign Lothaire II, (*i*) who was indebted for his advancement to the archbishop of Mentz, * was obliged to enter into a stipulation, by which a part of the advantages obtained

* Schmidt, tome 3. p. 332—336.

by his predecessor was renounced; he promised that he would not be present at the elections of prelates, and that, in the investiture of the persons elected, he would content himself with an oath of fidelity, instead of the performance of homage.

This reign of twelve years, in correspondence to such a beginning, exhibits a continual diminution of the authority of the crown. Indeed the very first measure of Lothaire, after his advancement, was inconsistent with his independence, for * he immediately solicited of the pope a confirmation of his election, an act of submission which was thenceforward required of his successors as an indispensable duty. In the latter part of his reign he (*k*) descended to a state of direct and formal vassalage, though not for his German dominions, having consented to accept as a fief of the papal see the extensive possessions of the countess Matilda, which had been bequeathed by her to that see, but had in part been held by her under the German emperor. Lothaire indeed did not accede voluntarily to these degrading submissions. He is said to have been a prince, who, long before his advancement to the throne, had acquired among his countrymen a high reputation for valour, probity, and prudence, the last of

* Pfeffel, tome 1. p. 244.

which qualities appears to have determined his conduct in all the sacrifices which he made of his imperial dignity. Not being supported on the throne by the authority of hereditary succession, he was compelled to secure his possession of it by conciliating the German nobility as well as the see of Rome; and the former would probably have been dissatisfied if he had rejected the condition proposed by the pontiff for the grant of the possessions of the countess Matilda, * as he would thus have abandoned the only expedient, by which he could recover the property of the empire.

The reign of Lothaire II, which was concluded in the year 1137, terminated the series of Franconian sovereigns, which had occupied a period of an hundred and thirteen years, memorable for the aggrandizement of the aristocracy, and the degradation of the royal authority. † The papal power was the grand agent in these important changes, assisted however by the authority with which the imprudent policy of the preceding dynasty had invested the German clergy, by the jealousy of the dukes, and by the discontent of the Saxons: this power too the emperor Henry III. had provoked by the dominion which he exercised over the papal elections, while at the same time he interested

* Schmidt, tome 3. p. 348. † Pfeffel, tome 1. p. 253, &c.

all the Italian clergy in its support: and the imprudence of the last of the Saxon, and of the first of the Franconian princes, had provided for it a support of another and yet more effectual description, by permitting the Normans to form in the southern provinces of Italy an establishment naturally adverse to the empire, and interested in maintaining for its own security the independence of the papal states. If the effects produced were considerable, the machinery employed, it must be admitted, was great, various, and complicated.

As the Saxon monarchs had raised the clergy for a protection against the nobles, so did the latter princes of the Franconian dynasty favour the towns as a bulwark against both. * There was yet indeed no example of a municipal constitution. † The Othos, agreeably to their policy of aggrandizing the bishops, had entrusted to them the government of the principal towns of their demesnes; and when Henry V. had witnessed in the troubled reign of his father the mischievous consequences of this measure, he successively revoked these inconsiderate concessions, and placed the greater part of the towns in their ancient condition of immediate dependence on the crown. But though the towns were thus only transferred from one state of

* Schmidt, tome 3. p. 245. † Pfeffel, tome 1. p. 266—268.

dependence to another, the government of Henry V. was most favourable to their prosperity. * The artisans having all been considered as in a rank inferior to that of free citizens, the latter were hindered from engaging in commerce, which was accordingly in a very languishing condition. The Slavians of Mecklenburgh, Pomerania, and Holstein, had profited of these prejudices of the haughty Germans, and from the beginning of the eleventh century had carried on, with their own productions and manufactures, an extensive traffick in the northern countries of Europe. The policy of Henry V. put an end to a system so injurious to Germany. He declared artisans and traders possessed of (*l*) the rights of free citizens; a commercial revolution was speedily effected in favour of the Germans; and their traders, in less than a hundred and fifty years, acquired a power which more than once overawed the sovereigns of Sweden and Denmark. Nor was the enfranchisement of artisans the only expedient employed for the encouragement of towns, a precise term being appointed, after which a fugitive slave, who had sought refuge in a town, could not be claimed by his master.

The connection of Italy with the crown of Germany resembled that of the French pro-

* Pfeffel, tome 1. p. 266—268.

vinces with the crown of England, so far as by rendering distant expeditions frequently necessary, it gave occasion to the employment of mercenary troops, and to a system of taxation by which they were maintained.* But nothing can more clearly show, how much the operation of the same cause is modified by a diversity of circumstances, than the different influences of these two combinations on the political constitutions of the two countries. The scutages introduced in England, where the royal authority was vigorous, comprehended subjects of every class, and gave a beginning to that community of constitutional feeling, which afterwards united the commons with the aristocracy into one great society of freemen: but in Germany, where the royal authority was continually yielding more and more to the ascendancy of a growing aristocracy, the new system of taxation, instead of being a bond of political union, became a yoke of partial oppression. † The nobles, whom it was there necessary to conciliate, could not be required to submit to any pecuniary exactions; the citizens soon felt themselves sufficiently powerful to follow the convenient example of the nobility; and the burthen of supplying the neces-

* Schmidt, tome 2. p. 237, tome 4. p. 89. † Ibid. tome 4, p. 90.

sities of the state, thus shifted from the upper and more opulent classes, devolved upon the peasants, whom it at once oppressed and degraded. (*m*)

(*a*) The Germans in their laws reproach themselves with drunkenness even to the sixteenth century. Schmidt, tome 2. p. 368. In one year thirty-five murders were committed among the persons belonging to the church of Saint Peter at Worms. It may be doubted, adds the historian, whether at this time such a number is annually committed throughout all Germany. Ibid. p. 419, 420.

(*b*) The Saxon princes reigned in Germany from the year 911 to the year 1024; the Franconian from this time to the year 1137; the Suabian from the year 1138 to the year 1254. After this time reigned emperors of various families until the year 1437, when began the regular series of Austrian emperors, which terminated in the year 1740. The succesion-war ended with placing on the throne, in the year 1745, Francis grand-duke of Tuscany; and this family possessed the imperial dignity until its suppression in the year 1806.

(*c*) Pfeffel, tome 1. p. 161. However Schmidt remarks, tome 3. p. 5. that Poland soon after-

wards became again tributary to Germany: and Pfeffel, tome 1. p. 184. says that the Polish government, in the year 1031, performed homage to Conrad II. for Silesia and Mazovia. The precise epoch of the entire independence of Poland is not known; but it is conjectured, that the Poles availed themselves of the interregnum in the thirteenth century, which preceded the elevation of Rhodolph of Hapsburgh, elected in the year 1273.

(*d*) Pfeffel, tome 1. p. 133. That prince began the practice of giving duchies and counties to the clergy, instead of farms.

(*e*) Schmidt, tome 3. p. 10. It was proverbially said *sella Conradi habet ascensoria Caroli.*

(*f*) He died at the age of thirty-nine years. Pfeffel, tome 1. p. 193.

(*g*) His elder son Conrad had been induced to revolt in the year 1093, and died in the year 1101: Henry revolted in the year 1105.

(*h*) On this subject an interesting observation has been quoted from Schmidt in the fifteenth lecture, page 238 of this volume.

(*i*) Four princes were put in nomination on this occasion, of whom one had married the sister of Henry V, and another was his nephew. Lothaire appears to have been preferred by the archbishop for the want of all connection with that family.

(*k*) This transaction was represented in a

painting with an inscription, by which it appears to have been intended that the homage should be referred to the imperial crown:

Rex venit ante fores, jurans prius urbis honores;
Post homo fit papæ, recipit quo dante coronam.

The emperor Frederic I. in the year 1157 obliged the pontiff to remove the picture. Pfeffel, tome 1. p. 296, 297.

(*l*) On this occasion tribes and communities were formed for the maintenance of order. Ibid. p. 266. It has been mentioned in the sixteenth lecture, page 305 of this volume, that corporations were first formed by the people of Florence in the year 1266, or a century and a half after the associations which are here mentioned: but the corporations of Florence possessed political privileges; the tribes and communities of Germany were formed only for the preservation of order.

(*m*) Germany, in the time of Lothaire II, was bounded on the west by the Rhone, the Saone, the Meuse, and the Scheldt; on the south by the summits of the Alps; on the north by the German ocean and the river Eyder, and on the east by the Leytha and the Warta, which separated it from Hungary, and

by the Oder, which divided it from Poland. The provinces which lay beyond the three rivers just mentioned, and particularly those extending to the Vistula, acknowledged some sort of dependence on the empire, the nature of which cannot be determined. Pfeffel, tome I. p. 270.

LECTURE XIX.

Of the history of Germany, from the death of Lothaire II. in the year 1137 *to that of Albert I. in the year* 1308.

Suabian dynasty.

Conrad III.	1138
Frederic I.	1152
Henry VI.	1190
Philip	1197
Otho IV.	1208
Frederic II. *Kingdom of Sicily united to the empire*	1212
Hanseatic league begun	1241
League of the Rhine	1247
Conrad IV.	1250

Emperors of various families.

William *Kingdom of Sicily separated from the empire*	1254
Interregnum	1256
Richard	1257
Interregnum	1271
Rhodolph of Hapsburgh	1273

Adolphus 1291
Albert I. 1298
Confederacy of the Swiss cantons begun 1308

HOW much the frequent changes of the reigning family contributed to the developement of the very peculiar constitution of Germany, by enfeebling the authority of the sovereign, has been already remarked: this consideration however does not seem to embrace the whole of their influence, for the several parts of this often varied succession appear to have been specially accommodated to the actual circumstances of the government, in the times in which they respectively occurred. If we trace the German dynasties on a map of the country, we shall observe them proceeding in an almost regular progress from the north to the south; beginning in Saxony, advancing through Franconia to Suabia, and then after some fluctuation, chiefly in the adjacent territories, finally settling in Austria. That they should have begun in Saxony was suited, as has been noticed, to the wild and exposed situation of that extensive province, and served to prepare it for the importance of its destination in the empire: that Franconia should next have enjoyed the privilege of giving sovereigns to the empire, served both to provoke the jealousy of Saxony, which had in this period so much influence in the

struggle with the Roman see, and to give encouragement to the central towns of Germany, which in the next began to form two great commercial confederacies: that the imperial dignity should then be removed from Franconia to Suabia, withdrew from those towns the presence of a sovereign authority, and abandoned them to the free exercise of the energies, which they had recently acquired: the farther removal of the imperial dignity from Suabia, with its intervening fluctuation, while it favoured the encreasing privileges of the aristocracy and of the cities, connected with the crown, by the advancement of a Swiss family, pretensions dangerous to the liberty of Switzerland, and thus gave the impulse to the independence of that country: and Austria, with its important appendages, at length gave an external support to a sovereignty, which had lost its interior stability, and formed a bulwark to cover its other dominions from the assaults of the new monarchy, established by the Turks in the eastern region of Europe. No other country in the world has exhibited a sovereignty thus itinerant, and so various, and so striking are the correspondences of its progress, that the map of the empire almost assumes the character of a chart of its history.

Lothaire II. * having died unexpectedly in

* Pfeffel, tome 1. p. 272.

the Tyrol, on his return from an Italian expedition, and having been thereby hindered from concerting with the states of Germany any settlement of the succession, which became vacant by his death, as he left no male issue, one of these changes of the reigning family was then occasioned. After some competition Conrad, son of the duke of Suabia, was placed upon the throne, and began the series of Suabian emperors, which subsisted during a period of a hundred and sixteen years. The election of Conrad, the third of that name, * was the result of an apprehension of the despotic character and extended possessions of his rival, the duke of Saxony and Bavaria.

The Suabian period was the grand crisis of the combination of Germany and Italy, which may be considered as virtually dissolved at its termination. It accordingly produced in both countries the most important effects; in Germany exalting the aristocracy even to the same level with the sovereign, and giving to the towns such encouragement and such opportunity, that they constituted a coordinate authority; and in Italy generating the independence of the cities of the northern provinces, and giving occasion in those of the south to the establishment of the family of Anjou, which began a new arrangement of political relations.

* Pfeffel, tome 1. p. 274.

The power of Rome, wielded by Gregory VII, had shaken the throne of Germany in the Franconian period; in that of the Suabian emperors the power of Rome was again employed against it, and Innocent III, and Gregory IX. arose to direct those shocks, which made it totter to its base. In the later dynasty indeed a remarkable change is observable in regard to the influence of Rome, which was however aptly accommodated to the progressive developement of the system of Germany. When Gregory VII. issued his anathemas against Henry IV. he found that the nobles of Germany were well disposed to act under his direction, and the emperor was accordingly at length actually deposed: but in the time of Frederic II. * the German nobles had learned to regard the denunciations of the pontiff merely as the measures of a political adversary, Germany therefore was little agitated in the contest of the papal and imperial authorities, and Italy was the chief theatre of their mutual hostility. In Germany the constitution had been so far formed, that it required only that the energy of its princes should be exhausted in the enterprises of foreign ambition; and projects of Italian aggrandizement accordingly engrossed the exertions of the Suabian emperors, and involved their whole

* Pfeffel, tome 1. p. 349, 357.

race in destruction. The bonds of German government were in the mean time gradually and tranquilly relaxed; the monarchy was transformed into a great aggregate of various states almost wholly independent; and it only remained that some new organization should be provided, which might prevent an entire separation. This new organization was afterwards supplied in the advancement of the Austrian emperors; and even within the period of the present lecture the election of Rhodolph of Hapsburgh, the founder of their family, made a distant preparation for their subsequent distinction.

The great struggle of the Suabian dynasty was maintained by the two Frederics, whose reigns, amounting together to seventy-six years, constituted nearly two thirds of its entire period. Of the remaining forty years fourteen belonged to the reign of Conrad III, who began the series; and four to that of another Conrad, by whom it was concluded; the rest of the time was distributed among three brief reigns, which were interposed between those of the two Frederics.

It is remarkable that the very first act of Conrad III. gave occasion to the great distinction of parties, which, though German in its origin, became extended to Italy, and prevailed there

to the middle of the fifteenth century. * Availing himself of the jealousy, with which many of the great nobles of Germany were inflamed against his rival, the duke of Saxony and Bavaria, he caused him to be proscribed in a diet of the empire, and gave his duchies to two other princes. In the contest which ensued, the military words of the opposing parties were Welf, the name of the brother of the proscribed duke, and Waiblingen, that of a small town belonging to the brother of the emperor; and from these were derived the appellations of Guelf and Ghibelin, which characterized the opponents and the supporters of the imperial authority. The German contention † was terminated by an accommodation in the year 1236, when it had subsisted not quite an hundred years: in Italy, where it was a struggle merely of parties, and not of families, it admitted of no compromise, and therefore was of much longer duration.

The remainder of the reign of this prince, occupied as it was (*a*) by the internal dissensions of Rome, in which however he was induced to support the authority of the papal see, and ‡ by a disastrous crusade, in which he lost his entire army, was well fitted to favour the

* Pfeffel, tome 1. p. 274, 276. † Ibid. p. 353.
‡ Ibid. p. 281.

growing importance of the nobles. * The diets accordingly acquired in this reign a new degree of authority; Conrad undertook nothing without consulting them, and even declared in a charter, that it had been framed agreeably to the judgment of the princes, in conformity with his general practice. It is to be remarked † that the Roman law penetrated into Germany in the reign of this monarch, a consequence naturally following the intimate connection, which subsisted between him and the papal see, and which was so unusual among the sovereigns of his country.

The death of Conrad III, in the year 1152, gave occasion to the first appearance of what has been called the electoral college of Germany. ‡ The distractions of Italy, in which the king of Sicily excited an opposition to the authority of the imperial governors; the internal dissensions of the city of Rome, which was a scene of anarchy and confusion; and the pretensions which the deprived duke of Saxony and Bavaria, who had been already restored to the former of these two duchies, was perpetually pressing in regard to the other; combined to form such an assemblage of difficulties to be encountered by the successor of this prince, that he himself thought it expedient to recom-

* Pfeffel. tome I. p. 283. ‡ Ibid. p. 284. † Ibid. p. 286.

mend to the states of Germany the election of his nephew Frederic, instead of that of an infant son, whom he chose rather to commit to the protection of his cousin. In the election which was accordingly held, the dukes of Germany, together with the archbishops of the province of the Rhine, exercised the right of preoption with such a decided preponderance, as entitled their assembly to be considered as a college of electors; and (*b*) in a charter which was issued four years afterwards, the mention of electoral princes actually occurs. The mode of electing the sovereigns of Germany * appears to have been borrowed from that observed in the elections of the Roman pontiffs, (*c*) the chief princes assuming in the former case the same privilege of preoption, which in the latter was vested in the cardinal-bishops, and the consent of the inferior nobility and of the people being gradually neglected, in the same manner as, in the papal elections, the approbation of the inferior clergy and of the Roman citizens was at length regarded as unnecessary.

The reign of Frederick I. began that renewed struggle with the papacy, which, while it terminated in the ruin of the Suabian sovereigns, at the same time completed the declension of the imperial power. Being a prince of su-

* Schmidt, tome 4. p. 76, 77.

perior ability, and of yet more distinguished energy of character, he was captivated by the brilliant, but delusive prospect, of establishing his authority firmly over the Italian dependencies of his crown, to the attainment of which attractive object were directed those powerful efforts, which, * if employed at home, might have transformed the German government into a well combined monarchy, and confounded the system of Europe; and thus, as in his life he was compelled to ratify the independence of the associated cities of Lombardy, so his death became the epoch of the most manifest degradation of the domestic authority of the crown. Indeed, (*d*) even in the life of Frederic I. a decisive blow was given to the imperial power, by granting a legal sanction to the practice of private defiances, a practice directly militating against the paramount control of the sovereign. † It had perhaps been his intention, when he should have accomplished the reduction of the Lombards, to introduce the same maxims of government into his German dominions; but the obstinate resistance which he encountered in Italy, and the crusade in which he was afterwards induced by his love of splendid enterprise to embark, rendered such a design impracticable, and enabled the princes of Germany to perfect their independence.

* Schmidt, tome 4. p. 47. † Ibid. p. 48.

It is observable *, that the imaginary dignity of the emperors encreased in the same proportion in which their real power was diminished, the prevalence of the maxims of the Roman law having given birth to an opinion that the empire of Germany was a continuation of that of ancient Rome, and that the German emperors therefore inherited all the prerogatives of the Roman. But notwithstanding these lofty pretensions, † so effectually was the power of the German sovereigns reduced, that from the time of Frederic I, who died in the year 1190, to the reign of Sigismond, who ascended the throne in the year 1410, not one was able to carry on war with the united force of the empire: in the reign of Sigismond indeed religious zeal against the disciples of Huss, the earnest representations of the Roman pontiffs, and the danger threatening the provinces adjacent to Bohemia, excited in some degree the princes of Germany, and created an union, which had been long unknown. The reign of Frederic II. was brilliant; but his efforts were supported by the money of Sicily, which was then connected with the empire.

The Sicilian kingdom having been the support of the Roman see in its former great struggle with the empire, it was a natural object of

* Schmidt, tome 4. p. 49. † Ibid. p. 62, 63.

the ambition of an enterprising emperor, to seek to acquire to his family a title to the occupation of the rival throne; and it happened that the circumstances of the reigning family of that kingdom were such, as presented Frederic I. with a favourable opportunity. As William II. of Sicily had no children, the succession belonged to his aunt Constantia, and Frederic effected a marriage between this princess and his son Henry, by whom he was succeeded. A combination so very alarming to the interests of the papacy was at first strenuously resisted; but * when an account had been received of the successes of the celebrated Saladin, who had even possessed himself of Jerusalem, it was found necessary to conciliate the German monarch, who alone was capable of repairing so grievous a loss. The see of Rome was then reduced to struggle for its existence; by the vigour of Innocent III. and the violence of Gregory IX, it maintained the contest; and it finally triumphed over its adversaries, and established a new family in the possession of the southern throne.

Two † different methods of supporting their authority were employed by the emperors of this period: one of these was the dismemberment of the great duchies of Saxony and Ba-

* Pfeffel, tome 1. p. 303. † Schmidt, tome 4. p. 64, 65.

varia, begun by Conrad III, and completed by Frederic I; the other consisted in granting protection to the cities.

The dismemberment of the great duchies, though it effectually destroyed the enormous and disproportioned power of a single family, did not accomplish the purpose of the emperors, for the new states immediately adopted the political principles of the former, and opposed themselves to the pretensions of their sovereigns. It is accordingly observable, * that the independent spirit of these successors of the Saxon dukes was, in the reign of Henry VI, successfully exerted for the preservation of the elective government of Germany. The monarch, having in right of his queen Constantia (*e*) succeeded to the kingdom of Sicily, proposed to the states of Germany, that he should incorporate this kingdom with the Germanic empire, that he should convert all the royal fiefs into hereditary and allodial lordships, and renounce his claim to the property of the deceased clergy, requiring in return that they should render the imperial dignity hereditary in his family. The proposal was accepted by more than fifty of the German princes, and was even apparently favoured, though secretly resisted by the papal see; but the opposition of

* Pfeffel, tome 1. p. 317.

the duke of Saxony, the margrave of Brandenburgh, and the other Saxon princes, formed an insurmountable obstacle, and the constitution was maintained.

This curious anecdote clearly indicates, that the dismemberment of the territories of the great family of Saxony had been well accommodated to the circumstances of the German government, having repressed a power which would have unduly overawed the throne, and perhaps have established itself in the possession of an arbitrary sovereignty, but not having reduced it to a subservience, which on the other hand would have aggrandized and confirmed the power of the reigning family. The extraordinary accumulation of possessions, (*f*) by which the territory of the ducal family of Saxony was extended from the ocean to the Tiber, had served, as has been already explained, to give a commencement to the great division of the Guelfs aud Ghibelins, and in this manner had been instrumental to the subsequent agitations of both Germany and Italy: its alarming magnitude however excited the jealousies of the other princes, and thus rendered practicable the reduction of an interior dominion, which could not continue to exist without altering the form and character of the government.

The other method of supporting the autho-

rity of the crown, was prosecuted with more perseverance, though with as little ultimate success. It had indeed been already adopted in the preceding period. The German emperors first endeavoured, by aggrandizing the ecclesiastics to establish a power which should counterpoise that of the nobility; but the unfortunate reign of Henry IV. having plainly exhibited the mischievous consequences of such a policy, * his son and successor Henry V. revoked the grants by which the cities had been submitted to the authority of the bishops, and placed them under his own immediate protection, bestowing upon them various privileges, which promoted their prosperity. The new policy was zealously embraced in this period by Frederic I. who † attached to the crown many cities which had belonged to the dismembered domains of Saxony and Bavaria, and admitted the citizens to the honour of knighthood, then high in estimation. The emperors ‡ had been forbidden to unite to the crown duchies and principalities, but no provision had been made for the case of cities, and Frederic was particularly careful to connect with it cities which commerce had rendered considerable, such as Lubeck and Ratisbon. § From this time the

* Pfeffel, tome 1. p. 266. † Ibid. p. 310.
‡ Schmidt, tome 4. p. 65. § Ibid.

emperors were incessantly employed in conferring privileges and permissions; which were so much valued and desired, that the cities had recourse even to violence, that they might be placed under the immediate protection of the sovereign. Nor was the prosperity, which was the result of such protection, confined to the cities immediately subjected to the imperial authority. The princes also, * perceiving the wealth which was attracted by the commerce of the imperial cities, became desirous of possessing the same advantage, and for this purpose were induced to grant similar privileges to the towns within their dependencies.

Frederic having died in the east, his son Henry VI. was placed on the throne, and began that short series of agitated reigns, which was interposed between the long and important reigns of the two Frederics. That of Henry, which lasted but seven years, was engrossed by the prosecution of his claim to the crown of Sicily, which had been formed by his marriage with Constantia. † The right of succesion had devolved to that princess by the death of her nephew; but Henry being hindered from proceeding immediately to take possession of the kingdom, an illegitimate member of the royal

* Schmidt, tome 4. p. 73. † Pfeffel, tome 1. p. 314, 316. Schmidt, tome 3. p. 462.

family caused himself to be acknowledged as sovereign, and held the government to his death, which occurred four years afterwards. The claim of the emperor was then admitted, and he was crowned at Palermo; within three years however he himself died, and the connection of the two governments was dissolved, to be more permanently formed after fifteen years by the succession of his son, the second Frederic.

This prince should have been the immediate successor of his father, but he was at that time a child only four years old, and Innocent III. was just then advanced to the papacy. The able pontiff, * deeply sensible of the importance of disjoining Sicily from the empire, laboured to deprive the Suabian family of the imperial throne; the discontents of Germany were accordingly employed to raise up first one, then another rival of the young prince; and these efforts were so far successful, that he was set aside for a time, and the desired separation of the two crowns was so long effected. In this interval the German throne was first filled by Philip the uncle of the young prince, who, from being regent, was made sovereign to oppose the intrigues of the pontiff, and the animosity of a disaffected party, and then by Otho

* Pfeffel, tome 1. p. 324.

IV, who had been previously opposed to Philip by the influence of the papal see.

The former of these two princes, being in truth an usurper, and being also exposed to the hostility of Rome, * was compelled to seek support by distributing among the nobles of Suabia and Franconia the large domains which his family possessed in those provinces. His short reign was a struggle in defence of his crown, which when he had almost brought to a successful termination, he perished by the hand of an assassin. Otho, who succeded him, soon involved himself in a contention with his former ally the pontiff, † as he immediately refused to fulfil the engagements, (*g*) by which he had bound himself when he received from him the imperial crown. This emperor was accordingly assailed by the anathemas of Rome, and ‡ driven to the necessity of submitting himself to the judgment of the German states; § he was then induced by his kinsman, John king of England, to attack the king of France, and lost his entire army in the enterprise; and he concluded his brief government by a virtual abdication, remaining for the last four years of his life shut up in a fortress, in perfect inaction. To such an account of the reign of Otho it

* Pfeffel, tome 1. p. 324. † Ibid. p. 332. ‡ Ibid. p. 334. § Ibid. p. 335.

was scarcely necessary that the historian should subjoin his observation, that the authority of the states then made an extraordinary progress.

Three reigns thus distracted, and thus transient, the whole comprehending but twenty-two years, formed a fit prelude to a reign, the confusion of which was to give being to the two great commercial confederations of the Hanse-towns, and of the Rhine, and was to be followed by the general relaxation of the government. Indeed the whole of the preceding sovereigns of the Suabian dynasty may be considered as having prepared the agitations of the reign of Frederic II; Conrad III. by giving being to the grand division of the Guelf and Ghibelin parties, and Frederic I. by forming the connection between the two crowns of Germany and Sicily.

The disappointment of the Roman see in the conduct of Otho IV. advanced Frederic II. to the crown of his fathers, in opposition to the general policy of the papacy. * At the age of four years this prince had succeeded to the crown of Sicily in consequence of the death of his mother Constantia, who had recommended him to the papal protection, as the only method of securing his safety. Fifteen years afterwards the throne of Germany became vacant by the

* Schmidt, tome 3. p. 494.

death of Otho; and as the pontiff, in his resentment at the conduct of that emperor, had already taken measures for substituting in his place the young king of Sicily, he was immediately elected. Such a measure, however dictated by circumstances, was felt to be repugnant to the policy of Rome. The pontiff therefore endeavoured to prevent its mischievous influence by * various stipulations; and the emperor, to remove all apprehensions, † ceded to his eldest son the kingdom of Sicily, and decreed that it should never be incorporated with the dominions of the empire. But the son of Frederic being only nine years old, when this engagement was contracted, it could not for many years interfere with the power of the emperor; and when the young prince, who was also created king of the Romans, or presumptive heir of the empire, was at length induced to hazard a revolt, the emperor caused him to be deposed by a diet, and thrown into confinement, in which he died not long afterwards. Conrad IV. by whom Frederic was succeeded, was then elected king of the Romans, and after the death of his father became possessed of both crowns.

What was the internal situation of Germany in the beginning of the reign of Frederic II. may be sufficiently conceived from the oath

* Pfeffel, tome 1. p. 338. † Ibid. p. 344.

which he required from his nobles, * that they would not levy unjust tolls, nor coin false money, nor rob on the high-ways. Such a state of society, however deplorable, was yet very favourable to the grand result of this period, the formation of commercial confederacies. † It was amidst the general insecurity, that the cities perceived the necessity of associating for the protection of their trade; and thus the greatest prosperity of German traffic arose directly out of the circumstances, which might have appeared to threaten its entire destruction. But this insecurity could not have had an influence thus beneficial, if other circumstances, very curiously combined, had not at this time invigorated the commerce of the empire.

‡ When the powerful duke of Saxony had been deprived of his territories by Frederic I, and these distributed among various proprietors, the Danes renounced the dependence on the empire, in which they had been held by that great chieftain, and even extended their dominion over Holstein, and the Slavian provinces of Pomerania and Mecklenburgh; these successes were soon afterwards prosecuted farther, and the Danish monarch assumed the title of king of the Venedi or Vandals, which has been

* Pfeffel, tome 1. p. 340. † Schmidt, tome 3. p. 559, tome 4. p. 22, 23, 132. ‡ Pfeffel, tome 1. p. 306, 325.

ever since retained by the sovereigns of Denmark and Sweden. In this manner * the Danes had successively possessed themselves of all the provinces situated between the Elbe and the Oder, and had pushed their conquests along the shores of the Baltic, to the mouth of the Dwina, and even into Livonia. Though the possession of these extensive states rendered the king of Denmark the arbiter of the maritime commerce of Germany, Frederic II. was compelled to recognise the new kingdom of the Vandals, and to confirm the enjoyment of it to the Danish monarch. Fortunately however for the Germans, the personal misconduct of this prince overturned, at the end of forty years, this fabric of the Danish greatness, and freed the commerce of the empire from so great an impediment. An act of perfidious violence, which he perpetrated on the wife of a count of Mecklenburgh, became the signal of a general insurrection, for which the people had been already prepared by the oppressive government of Denmark. Some of these nations, as the Prussians and Esthonians, resumed their former independence; (*h*) others, particularly the Pomeranians, and the people of Mecklenburgh and Holstein, returned under the sovereignty of the empire; and thus the Baltic at once became

* Pfeffel, tome 1. p. 344, 345.

open to the industry of the German traders, excited and animated by the novelty, as well as by the importance of the opportunity. The degradation of the duke of Saxony appears to have made room for the formation of a maritime and commercial kingdom, which lasted long enough to create communications for the rising commerce of Germany, and yielded to the ascendancy of the empire, when it was beginning to constitute an inconvenient restriction.

The general character of the reign of Frederic II. is that of the great and (*i*) concluding struggle between the imperial and the papal governments. The contest had been begun with the emperor Henry IV. by Gregory VII: it was at this time (*k*) maintained with augmented violence, as the subject of contention was a nearer and dearer interest. The situation of the papacy, surrounded as it was by the dominions of Frederic, was critical in an extreme degree, and prompted the most strenuous exertions for preserving its independence: the former struggle had been for dominion; in this the Roman see contended for its safety.

Frederic II. * had bound himself, when he received the imperial crown, to engage in a crusade, as the most effectual method of conciliating

* Schmidt, tome 3. p. 502.

the favour of the pontiff. This engagement, in the sixteenth year from his advancement to the throne of Germany, he was at length compelled by the repeated anathemas of the Roman see to discharge. But his reluctant and tardy compliance did not save him from the vengeance of the pontiff, who pursued him with censures to the east, and invaded his Italian territory with an army, alleging that he had departed without having been relieved from excommunication. (*l*) Successful in his enterprise, notwithstanding the opposition of that see in the cause of which he had embarked, he returned to Italy, and effected a reconciliation with the pontiff, at that time distressed by the refractory spirit of the Romans. Soon however did this constrained reconciliation give place to the hostility, which was the natural and necessary result of the relative situation of the papacy and the empire.

* The cities of Lombardy, probably instigated by the pope, revolted against the emperor, who immediately marched into Italy, and might in a single campaign have extricated himself from all his embarrassments by the submission of his enemies, if a spirit of vengeance had not impelled him to require that the people of Milan and Brescia should surrender themselves to his discretion, and thus to arm them with all the

* Pfeffel, tome 1. p. 357.

energies of despair. The pontiff then taking part openly with the enemies of Frederic, launched against him a new anathema under various pretences, and declaring the throne of the empire vacant, exhorted the German princes to proceed to another election. But (*m*) the pontiff was not on this occasion supported by a great rebellion of the Saxons, glad to shelter their insurrection under the denunciations of the church, the power of that province having been seasonably broken by the grandfather of the reigning emperor; the princes therefore * replied to the pontiff that they saw nothing blamable in the conduct of Frederic, and that though he possessed the right of crowning, he did not possess that of deposing him; and though the pontiff soon afterwards repeated the sentence, the only effect produced by it was that † the ecclesiastical electors broke out into rebellion, and occasioned some temporary embarrassment by setting up a rival emperor. Disappointed by the German nobles, the pontiff had recourse to a council; but ‡ the emperor having intercepted the foreign cardinals, as they were coming by sea in a Genoese squadron, he sunk into the grave. The contest was resolutely maintained by his successor, § who

* Pfeffel, tome 1. p. 357. † Ibid. p. 361, &c. ‡ Ibid. p. 358. § Ibid. p. 359.

however found it necessary to secure his safety by retiring to Lyons, which since the decay of the Burgundian kingdom was subject only to its archbishop. From this retreat the pontiff issued new denunciations against the emperor; and * though that prince at length offered to resign the empire to his son, and to pass the remainder of his life in warring with the infidels, he could not obtain so much indulgence. Frederic † however, when this accommodation had been refused, gained so considerable successes over his adversaries in Italy, that he had almost completed their reduction; and the pontiff, thinking himself no longer safe in Lyons, was meditating a farther retreat to Bourdeaux, under the protection of the king of England, when the sudden death of the emperor put an end to his enterprises, and to the danger of his antagonist.

A reign thus occupied by foreign expeditions, and thus embarrassed by the denunciations of the Roman see, afforded an interval especially accommodated to the formation of those commercial confederacies, for which, as has been already remarked, a field of industry was just then opened by the removal of the dominion of Denmark from the shore of the Baltic. How necessary indeed such engagements and embar-

* Pfeffel, tome 1. p. 363. † Ibid. p. 364.

rassments were, is not a matter of mere speculation. * Before Frederic had commenced his foreign enterprises, the imperial cities of the province of the Rhine formed an association for the defence of their liberty and property against the violences of the nobility; but the archbishop of Mentz, with whose projects of aggrandizement this association interfered, caused it to be suppressed by the imperial authority, as inconsistent with the repose of Germany, and with the respect due to the emperor; and † by a subsequent law Frederic himself prohibited all associations of the towns subject to the nobility, and also those of bodies of traders, and annulled the elections of all municipal magistrates, to which the territorial princes should not have given their consent. But notwithstanding this disposition to resist the efforts, by which the cities of Germany were at this time endeavouring to establish their independence, so favourable to these efforts were the difficulties of the reign of this very prince, that within sixteen years from these prohibitions was begun an association of the cities of this very part of Germany.

The Hanseatic league was however earlier in its commencement. This ‡ great confederacy,

* Pfeffel, tome 1. p. 347. † Ibid. p. 351, 352.
‡ Ibid. p 407, 408.

which was also called the Teutonic Hanse, was properly a commercial company composed of eighty of the most flourishing cities. Though formed by almost insensible gradations, it was within a few years completely established, and at the expiration of thirty was in possession of an immense commerce. In the year 1241 the city of Lubeck, having but just then secured its liberty, associated with some neighbouring cities for their mutual protection against a band of pirates, which infested the coast of the Baltic, and the success of this first alliance by degrees attracted all the commercial cities between the Rhine and the Vistula. The trade of the league was managed at four great staples; London, Bergen, Novgorod, and Bruges: the direction was entrusted to four principal cities of the league; Lubeck, Cologne, Brunswic, and Dantzic, each superintending a certain number of cities adjacent to itself: but Lubeck was allowed to exercise a general control over the whole association, to preside over all its deliberations, and to direct the execution of its determinations. Thus constituted the Hanseatic league, during almost three centuries, maintained a degree of prosperity then unexampled, and by its naval armaments commanded the western and northern seas, and even disposed of the crowns of Sweden and of Denmark. The discovery of the Indias at length gave a shock

to this power, as it altered the commercial system of Europe; the augmentation of the power of the territorial princes broke the connection of the cities depending on them with those depending on the emperor; and the jealousy of Charles V, who wished to concentrate in the Low Countries the commerce of the world, completed the destruction of the league, which was accordingly annihilated towards the middle of the sixteenth century. Lubeck, Bremen, and Hamburgh however preserved the name of Hanseatic cities, and under this respected title continued to enjoy a portion of the privileges, which it had anciently conferred.

Six years * after the commencement of the Hanseatic league was begun that other association, which was denominated the league of the Rhine, being composed of the archbishops of Mentz, Treves, and Cologne, of several princes, and of more than sixty cities situated on both banks of that river, all united for the preservation of the public tranquillity, and particularly for the protection of trade against the exactions of the nobles. Amidst the anarchy which prevailed in Germany, when the Roman see had pronounced the deposition of Frederic II, the nobility of the province of the Rhine and of Suabia, no longer restrained by any controlling

* Pfeffel, tome 1. p. 382.

authority, were particularly distinguished by their licentious violences. At length, in the year 1247, the three archbishops combined with the princes most exposed to these ravages, and with the cities from Zurich to Cologne, to resist the disturbers of the public peace, and to abolish the numerous tolls which had been recently established. (*n*) Cologne, Mentz, Worms, and Strasburgh were appointed to be the places, in which deliberations should be held four times every year upon the common interests.

I have already noticed an external event, which was preparatory to the commercial prosperity of Germany, namely the destruction of the ascendancy which Denmark had acquired along the shore of the Baltic. I must now direct your attention to the events which had occurred within the country, and were also preparatory to the same result: these were the discovery of the mines of the Hartz, which occurred * in the reign of the first of the Othos, or about three centuries before the commencement of the Hanseatic league; and the dismemberment of the territories of the duke of Saxony, which had been effected by Frederic I. (*o*) The discovery of the mines of the Hartz constituted the epoch of the prosperity of Saxony, which had

* Pfeffel, tome 1. p. 132.

before been the poorest country in Germany; and so great an improvement had been wrought in the reign of Henry II, that this prince called it a paradise flourishing in security and abundance. When this acquisition had, by the encreased circulation of money, awakened the industry of the Saxons, and the cities of this part of Germany had slowly risen to some degree of importance, it became expedient that they should be freed from the restraint, which had been imposed by the authority of a prince so powerful as the Saxon duke, and left at liberty to form arrangements, as independent communities, for the protection and benefit of their commerce. In this respect we again discover an influence of the reduction of that great principality, which has before been shown to have generated the division of the Guelf and Ghibelin parties, and to have given occasion to the Danish empire of the shore of Baltic.

It only remains to remark of this memorable reign, that Frederic II. amidst all his difficulties (*p*) was a scholar, and a patron of literature; and that two universities, those (*q*) of Naples and Vienna, are ascribed to him as their founder. The southern kingdom of this prince, which had communicated both with the Greeks and Saracens, had received an early impulse of intellectual improvement; the advancement of the heir of the Sicilian throne to the govern-

ment of Germany formed another communication for the farther transmission of literary refinement; and thus a love of letters was in some degree introduced into a country, which, not having been comprehended within the Roman empire, had not inherited any portion of the civilization of antiquity.

With Frederic II, says * Pfeffel, the prosperous days of the empire were terminated; the troubles which followed his death, and the weakness of his successors, entirely obscured its splendour: the Italians accordingly shook off the yoke of Germany, the states of the kingdom of Arles or Burgundy assumed nearly an entire independence, and the princes of Germany allowed to their sovereign only the glory of being the first among equals.

The immediate successor of Frederic II. was his son Conrad IV, who passed a reign of four years in an uninterrupted struggle with a rival supported by the Roman see. This rival, William count of Holland, was at the death of Conrad established on the throne, but occupied it only two years. The death of William was followed by an interregnum of a year, at the expiration of which the imperial dignity was literally (*r*) sold by the electors to Richard, brother of Henry III. of England. This em-

* Tome I. p. 365.

peror indeed reigned fourteen years; but his frequent voyages to England, and the little authority which he possessed as a foreign prince, who had only procured the imperial dignity by purchase, abandoned Germany to a degree of disorder most prejudicial to the sovereign authority. The death of Richard was succeeded by an interregnum of two years, which completed the relaxation of the government. It has been accordingly remarked (*s*) by Pfeffel, that the twenty-three years which followed the death of Frederic II, constitute the true period of the establishment of the territorial sovereignty of the states of Germany, by which the feudal government was transformed into a federative system, the reciprocal rights of which however were fully ascertained only at the treaty of Westphalia, after four centuries of uncertainty and contention. Schmidt has well described the nature of this system in the period now under consideration. * Each district, says he, was obliged to watch for itself, that its neighbours might not become too powerful, so that Germany appeared to be divided into several little systems, and no longer to form one great empire; and, while some chieftains contended for superiority even with the sword, others attached themselves alternately to dif-

* Tome 4. p. 282.

ferent parties, as might best promote their interest, or secure their safety.

In the interregnum which followed the death of Richard, the constitution of Germany had reached the crisis of its destiny, and a longer continuance of such distraction * must have effected an entire dissolution of the government. If then the government were to preserve any degree of combination, even in the form of a federative union, it was indispensably necessary that the system of its administration should be changed, and that some portion of vigour should be exercised by its chief. † The electoral princes themselves became sensible of the importance of restoring some degree of consistency to the constitution of their country, but were averse from the elevation of a prince, who should be sufficiently powerful to reduce themselves to submission. In this uncertainty of their minds, while they wavered between the desire of restoring the internal order, and external respectability of Germany, and the fear of subjecting themselves to a master, the empire might, says Pfeffel, have been for ever deprived of a chief, if some contingent circumstances had not presented a noble, whose talents authorized them to hope every thing from his conduct, and whose fortune did not warrant any apprehension from his power.

* Pfeffel, tome 1. p. 436. † Ibid. p. 420.

Rhodolph count of (*t*) Hapsburgh a castle in Switzerland, and possessor of (*u*) various little territories and offices in the adjacent country, was endued with all the virtues and all the talents which such an occasion demanded, and was a noble of too little power to excite the apprehensions of the electors. * Like the other German nobles of that period, he devoted himself to the constant practice of war; but the wars which he waged were the enterprises of a friend of order, not the ravages of a plundering chieftain. The singularity of such conduct drew upon him a very general attention; the citizens of (*v*) the neighbouring republics gave him their entire confidence; and he began to be considered as the protector of liberty against the violences of the barons. He was far however from thinking of the imperial dignity, when he was raised to it by the unanimous concurrence of the electors. For this advancement † he was primarily indebted to a service, which he had formerly rendered to the archbishop of Mentz, by escorting him through Switzerland in his progress to Rome, and in his return; and his election was facilitated by the contingency of having six unmarried daughters, which presented to the electors the pros-

* Coxe's Hist. of the House of Austria, vol. 1. p. 9, 13. Lond. 1807. † Ibid. p. 23.

pect of connecting their families by matrimonial alliances with that of the new sovereign.

The difficulties of his situation induced Rhodolph to (*w*) make large concessions to the Roman pontiff, the state of Germany requiring his utmost attention, and the Italian pretensions of the empire having become of little value. His attention was indeed for a time diverted from the reestablishment of public order in Germany by a war in which he was involved with the electoral (*x*) kingdom of Bohemia. The king of Bohemia, who was his disappointed rival, was one of the most powerful princes of Europe, * his dominions extending from the confines of Bavaria to Raab in Hungary, and from the Adriatic to the Baltic: † by hereditary right he had succeeded to Bohemia and Moravia; and to this original territory he had continually made new additions by his crusades against the Prussians, by his contests with the kings of Hungary, and by the recent acquisition of Austria, Carinthia, and Carniola. The struggle was however ‡ terminated by the death of the king, in consequence of which the duchies of Austria, Styria, and Carniola were conferred jointly on two sons of the emperor, Albert and Rhodolph, and thus the family of a count of Switzerland became the stem of that

* Coxe, vol. 1. p. 37. † Ibid. p. 33. ‡ Ibid. p. 48—51.

family of Austrian sovereigns, which was afterwards so distinguished among the princes of Europe.

When Rhodolph was at last permitted to direct his undivided attention to the restoration of internal tranquillity, he exerted the utmost vigour for the attainment of this important purpose. Traversing the several provinces of Germany with an activity not belonging to his advanced period of life, he * bound the nobles by oath to the observance of peace, establishing judges or justices of peace to enforce this obligation; he demolished a (*y*) considerable number of castles, which had served as retreats for the banditti, who infested the country; and at one time even † caused twenty-nine nobles, who had been guilty of such practices, to be punished with death. How necessary such exertions were is sufficiently apparent from the instance of ‡ a count of Wurtemberg, of whom it was proverbially said, with a blasphemous contradiction, that "he was the friend of God and the enemy of all the world." But so admirably fitted was Rhodolph to such a crisis of disorder, that § a prince of this period denominated him *an animated law;* and the credit of his probity was so unimpeachably established, that long after his time it was customary to say of any

* Schmidt, tome 4. p. 333. † Ibid. p. 343. ‡ Ibid p. 385. § Ibid. p. 346, 347.

man who had violated an engagement, that "he had not the probity of Rhodolph."

Besides this general influence of the advancement of Rhodolph, so essential to the very existence of the German government, two special consequences followed the exaltation of this eminent prince, one of which was the independence of the Swiss confederacy, the other was the connection of the Austrian provinces with the crown of the empire; of these the former resulted from the local pretensions of the family, the other from the vigorous administration of Rhodolph himself. Both consequences were of considerable importance, as the one gave being to a distinct member of the European system, and the other provided for the imperial dignity that external support, which had been rendered necessary by (z) the failure of its internal resources.

Rhodolph * had anxiously laboured to secure the election of Albert, who alone remained of his sons; but the electors probably disliking the imperious ambition of his character, dreading the power which he derived from the possession of the Austrian provinces, and averse from every approach to hereditary succession, resisted the proposal, and after the death of Rhodolph excluded Albert from the throne.

* Coxe, vol. 1. p. 63. Pfeffel, tome 1. p. 440.

The archbishop of Mentz on that occasion contrived means to procure the election of his cousin-german Adolphus count of Nassau, whose character was unexceptionable, and whose power was too inconsiderable to excite any apprehension. So scanty indeed were the resources of this prince, that he found it difficult to defray the expenses of his election.

The advancement of Adolphus, who held the government seven years, constituted an apparent interruption of the two special influences of that of Rhodolph, as it suspended the succession of his son; but a little consideration will discover that it was really favourable to both, as it afforded the Swiss cantons a convenient opportunity of preparation, and facilitated the subsequent advancement of Albert.

The reign of Adolphus was brought to an abrupt termination by the disappointment of the archbishop, to whom he had been indebted for his elevation. That prelate * had flattered himself with the ambitious hope of enjoying the direction of the government, and had even bound his cousin by a variety of express stipulations in a capitulation, framed in imitation of those which had been before required by the Roman pontiffs; but having been undeceived by the independent vigour of the emperor, he determined to effect

* Pfeffel, tome 1. p. 446. Schmidt, tome 4, p. 351, &c.

the ruin of him, whose advancement he had himself procured. The intrigues and the money of Albert assisted the cabals of the archbishop; some accusations were framed against the emperor, (*aa*) the only remarkable one of which was an allegation of the indignity of receiving an English subsidy, then a novelty in the German government; and a sentence of deposition was speedily pronounced. * The greater part of the princes indeed, and all the cities, adhered faithfully to Adolphus; but this prince fell soon afterwards in an engagement, and left the throne empty for Albert.

What the authority of Rhodolph had been unable to accomplish, was thus effected, by a combination of the resentment of a powerful individual with a fortunate contingency, and Albert, disliked and dreaded as he was, acquired after a delay of six years the possession of the imperial dignity. The reign of this prince was a series of various agitations. † In the beginning of his government he was embarrassed by the opposition of the Roman pontiff, who dreaded his ancient enmity, and was apprehensive of his connection with the king of France: he was then involved in a contest with the German electors, having been irritated by their rejection of plans, which he had formed for the

* Pfeffel, tome 1. p. 448. † Ibid. p. 452---461.

advancement of his son: and he was afterwards occupied in an attempt to secure for this son the kingdom of Bohemia, which was however frustrated by the death of the young prince; and in an unsuccessful effort to recover some lands and castles, which had been acquired to the crown by his predecessor, and in the confusion occasioned by the death of that emperor had been resumed by their former possessors. The concluding project of this reign of busy disappointment gave birth to the independence of Switzerland. Having conceived a design of forming for one of his sons a principality, which should be composed of Alsace, of the ancient domain of the crown in Suabia, and of the hereditary territory of his family in Switzerland, he proposed to induce the inhabitants of the little districts of Uri, Schweitz, and Underwalden, to suffer themselves to be included in the arrangement. Disappointed in his hope by the steady resistance of these people, who under the protection of the empire enjoyed almost entire independence, he adopted the expedient of urging them to a revolt, which might justify the use of violent measures: he was indeed successful in driving them to a revolt, the oppressions of his bailiffs being intolerable to freemen; but when he was going to avail himself of the opportunity which he had thus created,

he perished by an assassination, which had been provoked by a domestic wrong.

So * early as in the year 1291, or seven years before the commencement of the reign of Albert, the people of the three mountain-cantons had entered into a solemn confederacy for their mutual protection against oppression, having been incited to this measure by their apprehension of the haughty and ambitious temper of Albert, whose father, the emperor Rhodolph, had just then died. The young prince had even at that time sufficiently displayed his obnoxious qualities, having during nine years administered the government of his own particular territory, and having long borne a considerable part in all the transactions of his father's reign; and the death of the father, who had been reverenced by his Swiss subjects, was accordingly to them the signal of a general alarm for their liberties. As however Albert did not succeed his father in the imperial dignity, the cities of Switzerland availed themselves of the opportunity presented in the short reign of his successful competitor, to obtain not only the confirmation of their former privileges, but also various additional and more considerable franchises. When therefore Albert was at

* Planta's Hist. of the Helvetic Confederacy, vol. 1. p. 134—136, 139. Lond. 1800.

length placed upon the throne, they had become more established in the possession of their liberties, and more prepared to struggle with their sovereign for a complete independence. The new emperor, among his numerous schemes of ambition, gave these people the provocation, which was necessary for rouzing them to the decisive effort; and in the year 1308 was begun a confederacy, which subsisted unshaken to the year 1798, or almost five centuries.

The three reigns of Rhodolph, Adolphus, and Albert, had all been conducive to this important revolution. The advancement of the first of these princes had brought to the throne of the empire a family possessing local pretensions among the cantons of Switzerland; that of the second had given an opportunity of preparing for the struggle, of which the Swiss had been forewarned by the temper and conduct of the last; and that of this prince, who was unprincipled and daring, provoked by insufferable oppression those (*bb*) who would otherwise have been contented to continue in the condition of their fathers. The establishment of an Austrian dynasty was a much more remote consequence of the exaltation of Rhodolph, for it was begun by Albert II, who was elected in the year 1438, or one hundred and thirty years

after the death of his ancestor the first prince of that name. (*cc*)

(*a*) Arnold of Brescia was the leader of the insurgents. By his advice the people of Rome sent deputies to invite the emperor to fix his residence in that ancient capital, and to reduce the power of the papacy within its original limits. Conrad hesitated a long time whether he should yield to these representations, or attach himself to the pontiff; but was determined to the latter plan by the eloquence of Saint Bernard, the agent of the Roman see. Pfeffel, tome 1. p. 279.

(*b*) This was the charter by which, in the year 1156, the margravate of Austria was erected into an hereditary duchy, its duke being ranked among the palatine archdukes, and after *the electoral princes.* Ibid. p. 294.

(*c*) In the Golden Bull, ordained in the year 1356, it was determined that the number of the electors should continue to be seven, in honour of the seven candlesticks of the Apocalypse. Ibid. p. 522. But Schmidt assigns as the original cause of the selection of this number, either the imitation of that of the cardinal-electors, or the advantage of precluding an equality of votes; tome 4. p. 80, 81. Notwithstanding

the Golden Bull an eighth electorate was constituted in the year 1648, in favour of the prince Palatine; and a ninth in the year 1692, in favour of the duke of Brunswick-Luneburgh-Hanover. Pfeffel, tome 2. p. 343, 419.

(*d*) Schmidt, tome 4. p. 109. Unable to proscribe the practice, he endeavoured to regulate it, and among other regulations required, that whoever should choose to attack another, should apprize him of it at least three days before. Ibid. A contemporary historian, describing the violences then commonly practised, says that "every man carried steel and a flint, to be prepared for setting fire to buildings." Ibid. p. 114. Buildings of stone were still very rare. Ibid. p. 111.

(*e*) Tancred, an illegitimate member of the royal family of Sicily, caused himself to be acknowledged king in the year 1190 upon the death of William II, the emperor being detained in Germany; he held the royal dignity until his death, which occurred in the year 1193, and soon afterwards Henry VI. of Germany obtained possession; and this prince dying in the year 1197, the crown devolved to his queen Constantia, whose death in the following year transmitted it to her son Frederic II. The first union effected by Henry VI. subsisted but about three years; that which was afterwards occasioned by the advancement of Frederic to

the throne of the empire, subsisted forty-two; or from the election of Frederic II. to the death of Conrad IV.

(*f*) Pfeffel, tome 1. p. 274. The German possessions consisted of the duchies of Saxony, Westphalia, Angrivaria, and Bavaria, the county Palatine of Saxony, and the county of Holstein, with various dependencies; and also of Styria and the Tirol: the Italian possessions were those of the countess Matilda. Ibid. p. 305, 290.

(*g*) This is the most ancient of the papal capitulations now remaining, and has served as a model for all subsequent occasions: the most important stipulation was that which ascertained the temporalties of the Roman see. Schmidt, tome 3. p. 483—486.

(*h*) The city of Hamburgh derived most advantage from this revolution. Having procured from the counts of Holstein a confirmation of the privileges, which it had before purchased from the Danish monarch, it enjoyed from this time an independence perfectly resembling that of the imperial cities, the right of assisting at the diets alone excepted. This last privilege was not obtained until the year 1768. Pfeffel, tome 1. p. 346.

(*i*) Lewis V, who began his reign in the year 1313, was the last emperor attacked by the papal excommunication; but though he yielded, the

nation was resolute in opposition to the pretensions of the papacy.

(*k*) The destruction of the family of Frederic II, has been ascribed to the animosity of the Roman see, which has been supposed to have instigated the execution of Conradin, the only child of the emperor Conrad IV, who was tried and condemned at Naples as a rebel; but Sismondi acquits the pontiff of this violence. Hist. des Repub. Italiennes, tome 3. p. 403, note.

(*l*) He gained possession of Jerusalem with some other places, and as the clergy refused to assist, he placed the crown on his own head: before he began his expedition he had assumed the title of king of Jerusalem, in right of his wife, who had inherited the pretension. Pfeffel, tome 1. p. 344, 348.

(*m*) On this occasion the papacy found its support rather in the Italian enterprises and embarrassments of the emperor, than in the commotions of Germany; and it seems to have suited the more advanced formation of the German system, that it should be less subjected to internal agitation.

(*n*) Cologne thus appears to have been a member of each of these commercial leagues, and may have served to form a communication between them.

(*o*) Schmidt, tome 2. p. 385, 386. An opinion has commonly prevailed, that the working of

mines of the precious metals must be prejudicial to industry. This instance might serve to prove it to be erroneous: but it has been decisively exposed by M. Humboldt, in his Political Essay on New Spain, book 4. ch. 9. And indeed if even money must be considered only as a species of commodities, no good reason can be assigned, why the possession of the precious metals should be more injurious to industry, than that of any other commodity which men are desirous of acquiring.

(*p*) Pfeffel says that there are many works which he composed in Latin, and that in the royal library of Paris there is a collection of German poems written by him: he enriched our literature, adds the historian, with many works of Aristotle, and of some Arabian philosophers and physicians, which he caused to be translated into Latin. Hist. d'Allemagne, tome 1. p. 365. In Sicily too he founded the first literary establishments; and an ode composed by him, which is still extant, exhibits the modern language of Italy in its birth. Hist. Litter. d'Italie, par Ginguene, tome 1. p. 345, 346. Schmidt however remarks, that he believed in the reveries of astrology, and that this belief probably influenced the whole of his conduct. Hist. des Allemands, tome 3. p. 561.

(*q*) The university of Naples was founded in the year 1224. Giannone, lib. 16. cap. 3. that

of Vienna in the year 1236. Pfeffel, tome 1. p. 355.

(*r*) Richard was enriched by the mines of Cornwall, then the only tin-mines known. Schmidt, tome 3. p. 580.

(*s*) Hist. d'Allemagne, tome 1. p. 394, 398. The immediate members of the Germanic body consisted of four classes; the electoral college, the college of princes, the body of free and imperial cities, and the body of immediate nobility, or of those holding directly of the crown. The college of electors, formed in the reign of Frederic I, was then composed of three archbishops and four secular princes. The college of princes was entirely formed in the reigns of the two Frederics. Its foundations were laid by the dismemberment of the duchies of Saxony and Bavaria; the number of princes was then greatly augmented by the custom of dividing estates among the children of a family; many rich proprietors also submitted to hold their lands as fiefs, that they might acquire the character of princes of the empire; and, lastly, the destruction of the duchy of Suabia, the very name of which perished with the unhappy Conradin, brought a number of counts into the situation of princes, while it filled the diet with prelates, doubled the number of imperial cities, and gave being to the immense body of the immediate nobility of Suabia. The imperial cities, under

the feeble successors of Frederic II, attained to a degree of power, which rendered them formidable to the surrounding princes. The body of immediate nobility, first formed by the extinction of the duchy of Suabia, with which that of Franconia had been united, was augmented by the officers of the crown, who in the general anarchy assumed similar privileges. This body the emperors learned to consider as their support in the government. Ibid. p. 389—409.

(*t*) The county of Hapsburgh, to which Rhodolph succeeded in conjunction with his brothers, comprehended only a part of the district now called the Argau. Coxe's Hist. of the House of Austria, vol. 1. p. 8.

(*u*) He inherited the landgraviate of Upper Alsace, the burgraviate of Rheinfelden, some scattered domains in Suabia and Brisgau, and the advocacies or prefectureships of a few of the neighbouring towns and districts. Ibid.

(*v*) Among these were the people of Uri, Schweitz, and Underwalden, who afterwards began the confederacy of Switzerland. Ibid. p. 14. His grandfather Rhodolph had held the prefectures of these three cantons, but had been forced to a resignation by the discontent of the people, who had acquired the favour of the emperor by their services. Ibid. p. 5, 6.

(*w*) Instead of simply naming the exarchate,

and the Pentapolis, as in his own capitulation, and in those of his predecessors, he declared expressly, that the city of Ravenna, and the provinces of Omilia, Bobio, Cosena, Ferlimpopoli, Forli, Faenza, Imola, Bologna, Ferrara, Comachio, Adria, Rimini, Urbino, Montefeltro, with the territory of Bagno, and all their dependencies, should belong entirely to the Roman see, in regard as well to their temporalties, as to their spiritualities. From this time many of these cities acknowledged the sovereignty of that see, among which was Bologna, though then powerful; some others for a long time resisted its pretension. Schmidt, tome 4, p. 329.

(*x*) He confirmed all the donations made by his predecessors, particularly that extorted from Frederic II. as the condition of his advancement to the throne of the empire, and renounced all right of jurisdiction, which he might still possess in the city of Rome. Pfeffel, tome 1. p. 424. By the letters patent of Frederic the Roman see had acquired the allodial possessions of the countess Matilda, the abolition of the right of confiscating the property of deceased ecclesiastics, and the reestablishment of appeals to the court of Rome, which had been prohibited by Henry VI. Ibid. p. 338. The duchy of Bohemia was constituted a kingdom in the year 1200, when Philip was anxious to secure the support of that state for himself, having been

in the preceding year elected emperor. Ibid. p. 324.

(*y*) Sixty-six in Thuringia, and more than seventy in Suabia and Franconia. Ibid. p. 434, 435.

(*z*) The revenues of the German sovereign, which in the reign of Frederic I. had exceeded six millions of crowns, did not in the reign of Rhodolph exceed two millions, though the Italian contributions were then included. Ibid. p. 439.

(*aa*) This subsidy, according to Pfeffel, tome 1. p. 445, was of 100,000 marcs, according to Schmidt, tome 4. p. 359, of the same number of pounds. It was paid by Edward I. of England on occasion of a war with France.

(*bb*) "We are partial," said they, "to the condition of our forefathers, and only desire the confirmation of our privileges." Coxe, vol. 1. p. 92.

(*cc*) Germany at the close of the reign of Frederic II. was bounded on the north by the Eyder and the sea; on the west by the Scheldt, the Meuse, the Saone, the Rhone, and the Alps; on the south by the Alps and the Muer; and on the east by the Leita and the Vistula. Pfeffel, tome 1. p. 369.

LECTURE XX.

Of the history of southern Italy and Sicily, from the commencement of the kingdom of the Lombards in the year 570, to the death of Charles II. of Naples in the year 1808.

Lombardy conquered by the French	774
Saracens invade Sicily and southern Italy	827
Duchy of Benevento dismembered	851
Normans form their first establishment	1029
Sicily conquered by the Normans and the Greeks expelled from Italy	1080

Norman dynasty.

Roger I. king of the two Sicilies	1130
William I.	1154
William II.	1166
Tancred	1189
William III.	1193

Suabian dynasty.

Henry	1194
Frederic	1197
Conrad	1250
Conradin	1254

Manfred	1258
Charles of Anjou	1266
Sicilian Vespers.	1282

Naples.		*Sicily*	
Charles I. - - -	1282.	Peter of Aragon -	1282
Charles II. - - -	1285.	James - - - - -	1285
		Frederic - - - - -	1296

THE same consideration which naturally at the first view disposes us to disregard the history of the southern provinces of Italy and of Sicily, or, as they have been latterly denominated, (*a*) of the two Sicilies, will by a little reflection be discovered to recommend it to our attention as important and interesting. A very superficial acquaintance with modern history is sufficient to inform us, that these countries have ever been of very subordinate moment, and we are therefore but slightly tempted to enquire into the transactions, of which they have been the theatre: but this very consideration, in the philosophical view which I propose to take of the modern governments of Europe, renders the changes of such a member of the general system deserving of enquiry, since these changes may be expected to be found more directly relative to the other parts of the system, the state not possessing in itself any principal share of importance; and thus the very inferiority of

the subject of our enquiry may convert it into one of those links of the political system, which afford the most remarkable specimens of the theory of historical combination.

Though the territories now under consideration have in modern history been much connected, they consist of very dissimilar parts, one portion being continental, and the other being an island of considerable magnitude. Of Sicily it has been already * remarked, that it constituted a fit field of contention for the earlier struggles of Rome and Carthage: in modern times its insular character seems to have had yet more appropriate destinations. (*b*) Sufficiently spacious for containing a considerable society, but not large enough to entitle it to claim a place for itself among the kingdoms of Europe, this island served in various periods to shelter the principles of monarchy, which afterwards extended themselves over the neighbouring provinces of Italy: in this island was first formed the government of the two Sicilies by Roger the Norman, here too was first established the monarchy of the Spanish sovereigns by Peter of Aragon, and here at length, in the revolutionary war now happily concluded, was protected the exiled royalty of Naples. Before these events of modern history Sicily

* Lecture III, vol. 1. p. 162.

had also discharged a political function of another kind, to which its peculiar magnitude and character appear to have been likewise accommodated, having been during almost two centuries and a half the stronghold of the Saracens, from which their incursions were extended over southern Italy. The continental provinces on the other hand, though of more ample dimensions, and therefore fitted to become ultimately the seat of the common government, were exposed to the adjacent provinces of central Italy by the entire want of any natural frontier, and were thus of necessity involved in the political relations of the remainder of the peninsula.

The commencement of the kingdom of the Lombards, in the year 570, was the epoch of the division of the northern and southern provinces of Italy, with the latter part of which division Sicily was connected. The whole of these countries had been possessed by the Goths; and when Narses, the general of the Grecian emperor Justinian, had overpowered that people, they were all alike subjected to the government of the Greek empire; but the Lombards having been unable to complete their reduction, the maritime cities of the southern provinces, together with the island of Sicily, continued to be dependent on the court of Constantinople. This distribution was the arrangement, which permitted the papacy to

emerge from the subordinate situation, which it had hitherto occupied, as the Greek empire was opposed to the dangerous proximity of the Lombard government. The duchy of Benevento indeed, which comprehended * nine of the twelve southern provinces of the peninsula, was possessed by Lombards, who thus encompassed the residence of the pontiff; but it long continued separate from the kingdom which that people had established in the northern countries of Italy, and when it was at length reduced by the Lombard monarch, it was this very combination, so alarming to the Roman see, which drove the pontiff to seek protection from the sovereigns of France, and thus to give being to the original and fundamental connection of the European system. The duchy was, after a long resistance, again reduced by Charlemagne; the conquest was however so imperfectly effected, that it still served to cover the more southern provinces, which remained in a nominal subjection to the Greek empire, and in the enjoyment of a real independence.

From the combination thus formed with the French government a considerable time elapsed, in which the decay of that government abandoned Italy to its own internal agitations, and the German monarchy was afterwards employ-

* Giannone, lib. 6. cap. 1.

ed in forming itself for the great encounter with the see of Rome. In this long interval, the southern provinces of Italy, with the island of Sicily, were made the instruments of another arrangement, by which, * it has been shown, the progress of Italian policy and improvement was forcibly accelerated.

The Saracens invaded Sicily from Africa in the year 827, and from this island proceeded to ravage the adjacent countries of the peninsula; these invaders † were, in the year 839, established in the kingdom of Naples; and in the year 851 had completed the conquest of the adjacent island, except a few fortresses, which were retained by the Greeks to the conclusion of the century. The influence of the violences to which the Italians were exposed in this new vicinage, appears to have consisted in giving an encreased importance to the cities, by creating a necessity for fortifications, which inspired a sentiment of security and independence.

While the Saracens were establishing themselves in Italy, a revolution occurred in the great duchy of Benevento. ‡ The people of that duchy, harassed by the ravages of the Saracens, which had then continued twelve years, were forced to solicit the assistance of Lewis II,

* Vol. 2. p. 287, 288. † Sismondi, tome 1. p. 35, 36.
‡ Giannone, lib. 7, intr. sez. 1.

who at that time possessed the kingdom of Italy, or of the northern provinces of the peninsula. He immediately marched to the protection of the Beneventans, but the interposition was fatal to the state, which it professed to relieve. When the Saracens had been driven out of the Beneventan territories, and confined to their settlement at Bari, Lewis proceeded to exercise his power in appeasing the internal dissensions of the Beneventans, and in the year 853 divided the duchy into two parts, one of which retained the name of Benevento, while the other was called the principality of Salerno. Nor was the dismemberment confined to the division of the duchy into these two parts. The count of Capua soon revolted against the prince of Salerno; and afterwards the princes of Benevento and Salerno, and the counts of Capua, divided their respective territories among their sons, all of whom struggled to establish their independence.

Thus was at length reduced, and finally dissolved this great principality; and its dissolution, as well as its former aggrandizement, appears to have borne a plain correspondence to the other circumstances of the political interests of Italy. Denina, with the feeling natural to an Italian, laments its destruction, because, * if it had been preserved when the family of Char-

* Revol. d'Italie, tome 2. p. 387.

lemagne declined, it might have served as a rallying point for the people of Italy, and afforded protection to the southern provinces. But a little consideration will discover, that the exposed situation of these provinces, however immediately disastrous to themselves, was accommodated to the political balance of the peninsula. Except the single instance of Lewis II. none of the descendants of Charlemagne was able to interpose with effect in the concerns of Italy; that prince indeed, whose territory was confined to Italy, appears to have been specially placed there to resist and restrain the first violence of the Saracens. As long then as the family of Charlemagne subsisted, it could not be necessary that any countervailing government should be formed in the southern provinces; and the disturbances which followed its declension, as they rendered those of the north incapable of any political enterprise, could as little require, or admit of the existence of such a state: on the contrary, the enfeebled state of the southern provinces, torn as they were by the multiplied struggles of the Lombards, the Greeks, and the Saracens, was in a convenient equality of weakness with those of the north, which were latterly harassed by the contentions of the dukes of Friuli and Spoleto, in their competition for the crown of Italy and the imperial dignity. When indeed the Italians

had found themselves obliged to bestow these distinctions upon Otho I. of Germany, the power of the emperor required a counterpoise, which was accordingly provided in the temporary restoration of the authority of the Greek emperor in the south of Italy; and so effectually, that the Greeks of Italy were strong enough to give the second Otho a decisive defeat.

This temporary restoration of the power of the Greek empire was the result of the jealousy entertained in regard to the new series of German emperors, which prompted those of Constantinople to make extraordinary efforts in opposition to their progress in Italy. It could however be but of a temporary nature, and just sufficient for the exigency by which it had been occasioned. * They acted with so much haughtiness towards their subjects, and were so negligent in regard to the Saracens, that they were the authors of their own ruin, and thus made room for the formation of the Norman monarchy. That it should have thus yielded to the ascendancy of another people, was surely advantageous to the Italians. The degraded slaves of the eastern empire would have been the very worst materials for constituting a new government in western Europe, whereas the

* Giannone, lib. 8. cap. 3.

Normans brought with them the principles and habits of the feudal polity, which involved a rude kind of independence unknown to the Greeks. In that larger view too, which contemplates the mutual relations of different governments united in a common system, the change was indispensable. As the Greek empire, the lingering survivor of the ancient system, was not fitted to enter into the improved combinations of modern ages, and served but to transmit by a living tradition the literature and refinement of the earlier period to a time of reviving order and tranquillity, the lasting establishment of the Greek power in the southern provinces of Italy would have tended to maintain an inconvenient and embarrassing connection. The system which was then forming itself in the west, could not be advantageously combined with such a remnant of decayed antiquity; and it was therefore expedient that a different people, of western origin and institutions, should be brought there to construct in its room the permanent government of these countries.

But though almost the whole of the time, which elapsed between the first arrival of the Saracens, and the establishment of the Normans, was a period of political weakness, it was by no means unimportant to the progress of general improvement. It has been remarked

* in the sixteenth lecture, that this was the period in which southern Italy was ennobled by those earlier republics, which presented the example of liberty to the cities of Lombardy and Tuscany; and it may now be observed, that the same connections with the Greeks and Saracens, from which the distractions of this country originated, formed a two-fold communication of principles of refinement, which gave to these unhappy provinces their precedency in commercial activity, and in intellectual cultivation. † Naples, Gaeta and Amalfi were in those times the only christian states, which had fleets in the Mediterranean; and the last city, outstripping the others in the carreer of industry, began to possess itself of the valuable traffic of the east: and while Salerno ‡ acquired from the Saracens the knowledge of medicine, and became the earliest school of medical science, the monastery of Monte Cassino (*c*) was distinguished by its attention to various kinds of literature, to the philosophy of the Saracens, and to the classical learning of the Greeks.

The establishment of the Normans appears to have been the result of a fortuitous event. § About the year 1002 some pilgrims of that

* Vol. 2. p. 288, 289. † Sismondi, tome 1. p. 648, 650. ‡ Giannone, lib. 10. cap. 11. sez. 3. § Revol. d'Italie, tome 3. p. 259.

nation, in their progress to Jerusalem, landed in the south of Italy. Arriving at a time when this country was distracted by internal wars, the hardy strangers were soon distinguished as powerful auxiliaries. Fifteen years however elapsed before the arrival of another party, which was conducted to the same country, as was alleged, by a devout desire of performing a pilgrimage to mount Gargano, but more probably by a wish to ascertain the truth of the reports, which had been spread by the former adventurers. A particular incident indeed concurred to occasion this migration, the leader of the party having been compelled to abandon Normandy, because he had killed a chieftain, who had boasted of the seduction of his daughter. These, like the former, engaged as auxiliaries in the contentions of the southern provinces, but at length, being weary of a condition so unsettled, they obtained a fixed establishment in a frontier territory between Naples and Capua. This little establishment encouraging the attempts of other adventurers, about the year 1035 a third migration was conducted into these countries by ten sons of Tancred a Norman count, from whom descended the conquerors of the two Sicilies. The Greek emperors provoked the Normans to attempt the conquest of the provinces which they still retained in Italy, having first employed them as auxiliaries

to recover Sicily from the Saracens, and having then treated them with a contemptuous neglect; and the success of the enterprise was facilitated by the absence of the Greek troops, which had been withdrawn from the continent for the Sicilian expedition.

The general course of success which attended the establishment of these adventurers * has been referred to three causes; the divided state of the southern provinces of Italy, the extraordinary size and valour of the Normans, and the general imperfection of the military art. The southern provinces of Italy, distracted by the struggles of the Lombards, the Greeks, and the Saracens, afforded a most convenient field for the efforts of military enterprise, the several chieftains being eager to engage the services of the strangers, and the subjects of the Greek empire, harassed by the oppressions of a distant and arbitrary government, being easily induced to shake off the yoke. The extraordinary stature too and valour of the Normans were objects of the greatest surprize to the Italians, who regarded them as a species of giants rather than of men, and in their astonishment at their appearance and prowess lost all consideration of the smallness of their number. But this superiority of the Normans would have produced little effect, if the actual state of the mi-

* Giannone, lib. 9. introd.

litary art had not favoured their exertions. The armies of that time scarcely observed any regular system of attack or defence, and the event of a battle was decided either by some unusual and presumptuous effort of adventurous daring, or by some exertion of that peculiar strength of body, which was acquired by the continual exercise of arms. Other causes however co-operated with these to facilitate the success of the Normans. It has been already remarked, that the Sicilian expedition undertaken by the Greek emperor, while it furnished a provocation which provoked their resentment, left the Greek provinces of Italy exposed to their attempts: and it may now be added, * that the convulsions which agitated the court of Constantinople, totally incapacitated that government for exerting any effort to oppose their progress; that the long minority of the emperor Henry IV, who in the year 1056 ascended the throne of Germany at the age of only six years, caused the affairs of Italy to be long disregarded in that country; and (*d*) that the extraordinary confusion and violence, which disgraced the see of Rome during the earlier struggles of the Normans, rendered any hostile interposition of the papacy, except in a single

* Hist. des Rep. Ital. tome 1. p. 271, 280. Giannone, lib. 9. cap. 4. sez. 1.

instance, absolutely impracticable. The single instance of the hostility of the papacy was that which terminated in forming a connection between the Roman see and the new government.

The Roman pontiffs were at first jealous of the power of the Normans, as they had before been apprehensive of the ascendancy of the Lombards, and accordingly were desirous of checking its progress; but it was soon discovered, that their respective interests might be best promoted by cooperation, and it appeared indeed that the Norman principality was a state raised up at the very crisis, in which its support had become indispensable to the safety of the papacy. Leo IX, * not content with having formed a league of the two empires against the Norman adventurers, led in person an army against them in the year 1053; having been defeated and taken prisoner, he was treated by his conquerors with the most devout veneration; and the pontiff in return absolved the Normans from the censures which he had previously pronounced against them, and assumed the privilege of granting to their leader (*e*) the investiture of Puglia and Calabria, and of all which he might be able to conquer in Sicily, as of fiefs depending on the Roman see. The

* Hist. des Rep. Ital. tome 1. p. 274.

Normans however, * while they treated the pontiff with extreme respect, were careful to avail themselves of all the advantages of the victory. The jealousy of the papal see was therefore still excited, but the embarrassing circumstances of the pontiffs compelled them to be passive spectators of the aggrandizement of the new principality, until at length, in the year 1059, Nicholas II, † unable to collect an army like Leo, attacked his Norman neighbours with the censures of the church. This proceeding caused the Norman chieftain, who had been recently entitled duke of Puglia and Calabria, to court the friendship of the see of Rome, as necessary to the security and extension of his power; and Nicholas was on the other hand easily persuaded to accept that of the duke, as of the only auxiliary on whom he could rely for support in the approaching contest with the German emperor on the famous question of investitures. The form of the oath, by which the Norman duke confirmed his allegiance to the see of Rome, is deserving of attention for the impiety, with which the name of Peter is ranked with that of the deity; ‡ he described himself as duke of Puglia and Calabria by the favour of God and saint Peter, and with the assistance of each the future duke of

* Giannone, lib. 9. cap. 3, 4. † Ibid. lib. 10. introd.
‡ Quoted from Baronius. Ibid.

Sicily: the appointment of God would have implied independence, and for a compromise it was necessary to give him an associate in the work.

Though * the Normans were engaged in war with the two empires, they prosecuted their enterprises with scarcely any opposition from either, the imperial throne of the west being shaken by the assaults of the papacy, and that of the east being not less violently assailed by the Turks. The possessions of the Greeks accordingly were in the year 1061 reduced to a few towns and castles in the adjacent extremity of Italy; and while the Norman duke himself pursued his successes in Puglia and Calabria, his brother determined to wrest the island of Sicily from the Saracens. At this time the Saracen government of that island was ripe for destruction. † Twenty-six years before the Norman invasion, it had been so torn by dissension, that the island became divided into a number of petty principalities almost totally independent: and at the time of the expedition the dissolution of the government had proceeded so far, that each town was the seat of a prince or emir; and, which was the natural consequence of such divisions, one of these emirs came to Reggio to solicit the assistance of the Normans

* Hist. des Rep. Ital. tome 1. p. 280, 281. † Ibid. p. 281—285.

against his adversary, and thus facilitated their descent. Still however, so inconsiderable were the numbers of the invaders, their parties being sometimes composed of but three hundred, at others only of one hundred and fifty knights, and so imperfect was their subordination to their leaders, that twenty-nine years elapsed before the conquest of Sicily was completed. In the same interval of time the Norman duke had also accomplished the expulsion of the Greeks from Italy, and had reduced the Lombard princes, who governed the divided remains of the great duchy of Benevento; so that the establishment of the Normans in the two Sicilies was completed in the year 1080, or fourteen years after the main body of the same enterprising people had effected the conquest of England.

In this manner were the southern provinces of Italy and the island of Sicily first formed into one distinct principality; and when it shall have been considered, that the memorable struggle of Gregory VII. with the imperial power had begun four years before that event, it will be seen how well it was adjusted in time to the exigency for which it provided. The support of the Normans was not required in the commencement of that contest, for the Saxon rebellion was the instrument of papal aggression; but when the emperor prevailed against

the pontiff, and had even possessed himself of Rome, then the latter found it necessary to solicit the Norman duke to his deliverance, and to retire for safety into the territory of his protector. This crisis of the papacy (*f*) occurred in the year 1084, or four years subsequent to the completion of the Norman principality. Nor was this the only pontiff, who found a convenient support in this establishment, for when the son of that emperor, after the death of his father, engaged in the same contention with the see of Rome, the pontiffs * Paschal II. and Calixtus II. found the Norman princes ever ready to assist them.

The contention of the papacy and the empire, which was begun at the close of the year 1075, was compromised by the concordate of Calixtus II, in the year 1122, when it had continued forty-seven years. From the conclusion of this great contest the support of such a power as that of the Normans ceased to be necessary to the see of Rome, and even after some time the southern government became connected with the German empire, and appeared to threaten the existence of that very see, which it had so seasonably protected. This is the most interesting and curious of the external combinations of this auxiliary and subordinate

* Giannone, lib. 10. cap. 8, 9.

government, and deserves to be attentively examined; but as seventy-two years elapsed before this inverted combination was formed, it will be necessary that I should previously mention the changes which the government itself had in that time experienced.

Robert Guiscard, the Norman duke who first united into one dominion the Greek provinces of Puglia and Calabria, the Lombard principalities of Benevento, and the Saracen island of Sicily, soon manifested what a disturbing influence would be exercised by a powerful government in this extremity of the system of western Europe. Having been successful in his enterprises against the Greeks in Italy, he was naturally prompted to seek a farther gratification of his ambition by attacking them in their own country. In * the very following year therefore he passed the Adriatic, and defeated the army of the Greek emperor, who had come to the relief of Durazzo: he was then indeed recalled to Italy by a rebellion, and afterwards was some time occupied in protecting Gregory VII; but as soon as he was freed from these engagements, he resumed his original enterprise, and died in Cephalonia, when he was beginning his operations. Such must naturally have been the direction of any vigorous government, placed thus in the

* Hist. des Rep. Ital. tome 1. p. 287, 288.

vicinity of weakness and decay; and therefore if the restoration of Greece was no part of the new system of Europe, it was necessary that the neighbouring government of the Sicilies should be incapable of indulging the propensity. The project of Robert Guiscard was accordingly arrested, first by the troubles of Italy, and then by his death; the valour of the Normans was afterwards diverted to Palestine, (*g*) where it furnished themes for the genius of the epic poet of Italy; and the government, except during the short interval of the formation of the monarchy, then sunk into a state of debility, which rendered it an inoffensive neighbour of the weakness of Greece.

The grandson of Robert Guiscard * having died without issue in the year 1127, the whole of the dominion of the Normans, which had been previously divided, was inherited by Roger II, great count of Sicily, the son of that count of the same name who had achieved the conquest of the island. Inflamed with a sense of his own grandeur, he became ambitious of a higher title than that of duke, to which he had thus succeeded, and (*h*) availed himself of the opportunity of a papal schism, to procure from the antipope, whom he supported for this purpose, a grant of the royal dignity. He was not

* Hist. des Rep. Ital. tome 1. p. 290.

however content with the mere dignity of a king, but laboured to extend and secure his power among his Italian subjects. * Amalfi was forced to surrender to him the privileges, which it had continued to enjoy under the Norman government; the barons, who had maintained an almost complete independence, were successively compelled to submission; and Naples, the last of the republics of southern Italy, was after a most determined resistance subdued in the year 1138. Thus republican liberty was abandoned to the efforts of the northern Italians, at this time ready for its protection; and the new monarchy of the two Sicilies was reduced to a simple and uniform structure.

The Norman dynasty of the Sicilian government, which had been begun in the year 1130, subsisted to the year 1194, when it was succeeded by that of the Suabian princes of Germany. Of this period of sixty-four years twenty-four were occupied by the reign of the founder of the monarchy, the remaining forty comprehending the reigns of four princes. These four reigns composed a very remarkable series of impotent administration, sufficient to paralyse the efforts of any people. The first king, † who had even extended his dominion over many

* Hist. des Rep. Ital. tome 1. p. 295—308. † Ibid. tome 2. p. 260, 261.

cities of Greece and Africa, was succeeded by his son William I, whose incapacity he had long perceived and lamented; this prince was followed by his son William II, * who was not quite twelve years old at the time of his accession; and the last-mentioned prince having no child the Suabian family of Germany acquired the right of succession, by a marriage which had been solemnized between the eldest son of the emperor Frederic I. and Constantia the grand-daughter of the first king. Five years of confusion however intervened, which were occupied by the struggles of Tancred, an illegitimate descendant of the royal family, and of his son William III, who successively obtained possession of the throne, to the exclusion of the foreign claimant; the latter indeed soon abdicated his miserable dignity, surrendering himself to the German emperor.

While the continued imbecility of the government of the Sicilian monarchy precluded any enterprise of ambition, which might then have been directed against the tottering empire of the east, it naturally disposed the kingdom to become itself a prey to the ambition of the western emperors. These were prompted by various motives to seek an acquisition, which seemed almost to be presented to their accept-

* Giannone, lib. 13. introd.

ance. It was the natural progress of ambition to endeavour to gain possession of the state, which had been the support of the pontiffs in their struggle with the German emperors; it was also natural that the chiefs of an elective government should be anxious to become masters of a kingdom, which they might transmit by inheritance to their children; and the object itself was rendered more captivating by the splendour, with which its crown was adorned in the short period of its prosperity. That splendour is recommended to our attention by a consideration of general interest, for the dawn of the poetic day of modern Italy first broke upon the court of the Sicilian monarch. * While the cities of northern Italy spoke a various jargon, rather than a national language, and were even inclined to adopt the dialect of the neighbouring country of Provence, which had been rendered popular by the poetry of the *troubadours*, the poets of Sicily prepared by their songs that speech, which was soon to be rendered illustrious by the genius of Dante, the first Italian verses having been composed in the states of Roger the founder of the monarchy. Remote from the influence of the poets of Provence, and cheered by the presence of a brilliant court, the country of Theocritus, since so

* Hist. des Rep. Ital. tome 2. p. 493—495.

degraded and so barbarous, became conscious of the powers with which it had been gifted by nature, and uttered the strains which the great poet of Italy deemed most worthy of his muse.

The claim of succession to the Sicilian crown, which was acquired by the Suabian dynasty of Germany, * diverted them from the prosecution of the project, which Frederic I. had formed against the liberty of Lombardy; and even this very prince, desirous of availing himself of the assistance of the young republics of that country in his more distant enterprise, was induced to promote their union, instead of encouraging their dissension. This combination therefore operated as a most seasonable diversion in favour of the rising liberty of Italy. Its influence upon the German government was similar, and not less important. The Suabian emperors, who were able and enterprising princes, being drawn away from the direction of their domestic administration to the pursuit of a remote object, which involved them in the most violent contentions with the see of Rome, the cities of Germany found such a crisis most favourable to their aggrandizement, and accordingly embraced the opportunity of acquiring the same independence, which under the pre-

* Hist. des Rep. Ital. tome 2. p. 264, 265.

ceding dynasty had been attained by the nobles. The Sicilian kingdom, therefore, by entering into this temporary connection with the empire, gave the decisive impulse to the governments both of northern Italy and of Germany; it confirmed the freedom of the Italian republics, and it completed the disorganization of the empire.

But it will naturally occur to consider, what at this time became of the balance of Italy, to the support of which the aid of the Normans had been so indispensable; and how did the papacy maintain itself, when it was thus pressed on both sides by the power of its adversary. Probably in other times the equilibrium of Italy must have been destroyed, and the Roman see must have sunk under the power of such a combination; but at this particular period new resources were furnished to the pontiffs, by which they were enabled to maintain the struggle, even to the ruin of their antagonists. One of these resources was supplied in the actual condition of the states of northern Italy. Though * some of these states, attached by favours which they had received, devoted themselves to the cause of the emperors, yet others, alarmed at a combination of dominion, which threatened their liberty with destruction, were implacable in their opposition, and were con-

* Hist. des Rep. Ital. tome 2. p. 259.

sequently determined auxiliaries of the papacy. Divided however as the Italian republics were between the two parties, this resource must have been insufficient, and it was accordingly assisted by another, which was presented by the military fanaticism of the age. Frederic I. who by the marriage of his son prepared the union of the two crowns, was induced to undertake a crusade, in which he died; and Frederic II, the grandson of the former, who actually effected the union, was bound * by such an engagement in the very commencement of his career, and even persuaded to enter into a marriage, which should give him a claim to the crown of Jerusalem. This engagement embarrassed all the efforts of the emperor; and even his compliance did not protect him from its operation, for the censures which his reluctance had provoked, followed him to the very scene of his triumph in the east. At length indeed driven to desperation he had almost overpowered the adversary, by which he was so unrelentingly opposed, when his unexpected death preserved the independence of the papacy.

For this renewal of the contention with the empire the Roman see had been prepared by the selection of a pontiff, Innocent III, in every respect qualified to maintain the cause of

* Pfeffel, tome 1. p. 344.

which Gregory VII. had been, (*i*) more than a century before, the original champion. The spirit of ecclesiastical usurpation appears to have been in some degree exhausted by that earlier struggle, and when the bold claim of supremacy had been compromised by the concordate of Calixtus II, seems to have sought in repose the renovation of its wasted vigour. The minds of men had become indifferent to the call by which they had once been roused to so much violence, especially as the object was in some degree relinquished; and it was necessary that some time should elapse, and some new circumstances present themselves, before it could again excite them to the contest. The pontiffs however were not tranquil in this interval, being involved in a domestic struggle with Arnold of Brescia, (*k*) the author of what was aptly denominated the heresy of the politicians, but in this case they acted defensively, merely labouring to preserve the advantages which they had acquired. At length, in the year 1198, the papacy devolved to Innocent III, that pontiff to whose extravagant usurpations the British constitution is indebted for the occasion of the fundamental charter of its liberties. This pontiff, who presided over the Roman see during eighteen years, was not less suited than Gregory VII. to the situation in which he was placed. Equal to Gregory in the purity of his

character, he was as much superior in literary attainments, as the time in which he governed the church was nearer to the restoration of literature; and as the part which he had to support, was rather political than ecclesiastical, so was his conduct actuated rather by the daring ambition of a statesman, than, like that of Gregory, by the misdirected zeal of a monk.

For the papacy, I had almost said for the reign of Innocent, preparation had been made by the celebrated collection of the canon law, which is called the Decree of Gratian. The collection of Isidorus, called the Decretals, had been published in the beginning of the ninth century, and then laid the foundation of the claim of papal supremacy. * About the year 1150, Gratian, a Benedictine monk of Bologna, framed that more perfect collection, which has borne his name. It was eagerly adopted by the Roman see, and in the time which intervened between its publication and the advancement of Innocent III. it had established more distinct principles of ecclesiastical dominion.

Armed with the authority of the Decree of Gratian, Innocent strenuously availed himself of various favourable contingencies for realizing the project of pontifical empire. In Germany the contention between Philip and Otho IV.

* Butler's Horæ Jurid. Subsec. p. 168.

afforded him an opportunity of interfering in behalf of the latter, whom he afterwards drove from the throne; in England the weakness and the tyranny of John enabled him to trample upon the dignity of the crown; and he induced the king of Aragon * to render his dominions subject and tributary to the Roman see. These were his (*l*) most considerable exertions of supreme authority: his expedients for invigorating that authority were numerous and efficacious. † To secure a number of zealous adherents he claimed and exercised the power of filling the various offices of the church, in violation of that liberty of elections, for which his predecessors had so warmly contended: to overpower the clamour for reformation, which was even then beginning to be heard, (*m*) he turned against his adversaries that spirit of hostility, which had been excited against the infidels of the east, and completed the system of persecution by giving a beginning to the Inquisition: to provide a new body of advocates, which (*n*) might satisfy the wish for a simple and humble clergy, he adopted and encouraged the religious orders of the mendicants: to ensure the dependence of the laity upon the clergy he made the practice of private, or auricular confession, obligatory: and to perfect the

* Mosheim, cent. 13. part 2. ch. 2. † Ibid.

ascendancy of superstition over their reason itself he first caused the portentous doctrine of transubstantiation to be formally adopted by the church. And while he was thus vigilant and active in extending, and strengthening the external power of his see, he was not less careful to secure its temporal foundation. In the very commencement of his papacy he availed himself of a favourable crisis for acquiring (*o*) an influence over the unsettled government of Rome; and when he advanced Frederic II. to the throne of the empire, he obtained from him a renunciation of the long-disputed possessions of the countess Matilda, which (*p*) was finally executed sixty-six years afterwards by the emperor Rhodolph.

Yet by this last transaction he almost prepared the ruin of that power, which he had so laboured to exalt. Frederic, whom the fears of his mother Constantia had consigned to the guardianship of Innocent, * was considered by him as a prince, with whose pretensions he could awe and control the sovereigns of Germany; and when Otho IV. for whom he had procured the crown, disappointed his expectations, he ventured to place his pupil, the young king of Sicily, on the throne of the empire. He endeavoured indeed to avert the mischief of

* Hist. des Rep. Ital. tome 2. p. 336.

such an appointment by stipulating for the resignation of the crown of Sicily; but Frederic contrived to evade the observance of this condition, and it was at length the death of this prince which preserved the Roman see from defeat and humiliation. The combination of Sicily with Germany was indeed a forced state of things, arising from temporary causes, and suited only to exercise a temporary agency in determining the fortunes of the republics of Italy, and of the states of the German empire.

In the year 1242 the Roman pontiff, Innocent IV, had been driven by Frederic II. to seek refuge in Lyons; but the death of that prince, which occurred in the year 1250, encouraged him to return to Rome, where he immediately began to concert measures for dissolving a connection, which had proved so dangerous. * His first project was to annex to his see the dominions of the Sicilian crown, which he claimed as fiefs devolved to that see by the deposition of Frederic, pronounced in a council assembled at Lyons; he soon however discovered that his forces were unequal to the enterprise, and that it would be necessary to invite some foreign prince to take possession of that kingdom, as a feudal dependency of the papacy.

* Hist. des Rep. Ital. tome 3. p. 128, 145.

The Sicilian kingdom had indeed been speedily reduced to obedience by Conrad IV, the son of Frederic II; but he died at the end of four years from the death of his father, and his short, though vigorous reign, served therefore only to baffle the plan which the pontiff had formed for securing the kingdom for himself. The death of this prince effected the desired separation of the two crowns, as his son Conradin, or *the young Conrad*, was excluded from the imperial dignity by the continued operation of the intrigues, which had been employed against Frederic II; and the infant age of Conradin, for he was but one or two years old at the death of his father, revived the ambition of the pontiff, as it seemed to present a yet more favourable opportunity of accomplishing the acquisition of the two Sicilies. A combination, which * would have transformed the papacy into a considerable state, and perhaps have united it with the imperial dignity, was on this occasion prevented by the exertions of Manfred, an illegitimate son of Frederic II, who for a short time acted as regent in the name of Conradin, but afterwards availed himself of a rumour of the death of the young prince, then in Germany, to cause himself to be elected king. Such were the circumstances, in which the pon-

* Schmidt, tome 4. p. 229.

tiff again perceived the necessity of soliciting the assistance of some foreign prince, who should become his vassal; and Charles, brother of the king of France, (*q*) count of Anjou, Provence, Languedoc, and a great part of Piedmont, was in consequence established on the throne of the Sicilies. The revolution was disgraced by the trial and execution of the unfortunate Conradin, who was put to death on a scaffold for having attempted to vindicate his legitimate inheritance.

As the establishment of a French dynasty on the Sicilian throne gave being to the claim, which was afterwards prosecuted by the government of France, it becomes a matter of curiosity to enquire, what determined the pontiff to the selection of that of Anjou. * The original design, which was slowly and reluctantly abandoned, was to attach this southern kingdom to the Roman see; the next was to engage some English prince, either the brother or the son of Henry III, to reduce it, and hold it of the papacy; the third was to grant it on similar conditions to Charles of Anjou, the most powerful prince in Europe beneath the rank of a sovereign: of these the first was in repeated trials found to be impracticable, and the second was never seriously undertaken; nor would the

* Giannone, lib. 18, 19.

French prince have been induced to engage in the enterprise, if he had not been instigated by the ambition of his wife, whose sisters were queens of France, England, and Germany. It is remarkable that the king of Aragon had rendered himself objectionable, by forming a matrimonial alliance between his son Peter and a second Constantia, the daughter of Manfred then king of Sicily; this connection afterwards procured for the Spanish family the possession of the insular part of the kingdom, but it contributed to direct the choice of the pontiff to a French prince. Lewis IX. of France, on the other hand, with the scrupulous integrity of his general conduct, had declined an offer of the kingdom for one of his younger sons; and if the impolicy of renewing its connection with Germany could have been overlooked, the (r) distracted state of that country disabled it for affording any assistance.

These various enterprises and negotiations were begun in the year 1253, and concluded in the year 1266, when Charles acquired possession of the kingdom, his adversary Manfred having been defeated and slain. But though the policy of the Roman see was so far successful, the Sicilian kingdom was not yet reduced to its due proportion of importance. Charles, the friend of the popes, * had attained to a degree

* Hist. des Rep. Ital. tome 3. p. 456, 457.

of power, which was alarming to their independence. Besides his sovereignty of the two Sicilies, he had by the favour of the Roman see acquired various authorities, which rendered him the arbiter of Italy: he was senator of Rome; imperial vicar in Tuscany, and in this character master of all its cities; governor of Bologna, and therefore master also of all the Guelf cities of Romagna; protector of the marquis of Este, and by him ruler of the *marche* of Trevisa; and he was moreover lord of many cities of Piedmont, and making war on the remainder. The burthen of such a friendship was soon felt to be oppressive; and the Roman pontiff found it necessary to play against each other the king of Sicily and the emperor Rhodolph, and thus to induce each to make renunciations favourable to his see. By this policy the king of Sicily was reduced to the possession of his proper territories, but the substantial basis of his power still remained, and he soon endeavoured to raise on it a new superstructure of ambition. * After the death of the pontiff by whom he had been so controlled, he caused another to be elected, who was entirely devoted to his interest, and all the precautions of the deceased pope were immediately annulled; the powers of which Charles had been stripped,

* Hist. des Rep. Ital. tome 3. p. 470—473.

were restored to him as far as the influence of the Roman see extended; and the new pontiff even lived under his immediate inspection at Viterbo, where the king of Sicily had fixed the papal residence, that he might more conveniently direct his measures. Even Italy however did not satisfy the ambition of this prince, who meditated an expedition against the Grecian emperor: but a private individual armed against him the vengeance of the Sicilians, whom he and his French followers had outraged; Sicily was accordingly soon torn from his Italian territories, to constitute a separate and rival sovereignty; and he was thus at once deprived of a large proportion of his power, and threatened by the vicinage of a formidable adversary.

John of Procida, a zealous adherent of the Suabian family, was the mover of this important revolution. * He despaired of inducing the continental provinces to make any effort in favour of Constantia the daughter of Manfred, because they were subject to (*s*) the immediate superintendance of the government; Sicily however presented a favourable field, not only as being remote from inspection, but also because it had been on that account subjected to more grievous oppression. To Sicily he accordingly repaired, and there he laboured indefatigably to collect

* Hist. des Rep. Ital. tome 3. p. 477, 478.

and concentrate that fury of revenge, which (*t*) the last of outrages had sufficiently excited; from the Greek emperor too, who was apprehensive of the power of Charles, he procured supplies of money; and with this money he enabled Peter king of Aragon, who had married the daughter of Manfred, to aid the insurrection, and assert the claim of his queen. The insurrection, which happened in the year 1282, has been named the *Sicilian Vespers*, from the occasion on which it commenced. It has been supposed to have been the result of a deep-laid conspiracy, the secret of which had been preserved two years with an undeviating fidelity through hatred of the French: * the historian of the Italian republics however represents its author as forming no specific conspiracy, but only inflaming the passions of the people, and waiting with his confidential agents for the commotion, to which some new outrage was sure to furnish provocation. That provocation was the insult offered to a young woman of Palermo under the pretence of searching for arms, when she was going with the other inhabitants of Palermo, agreeably to a solemn usage, to hear the vesper-service at a church near that city on an Easter-monday. Prepared as the Sicilians had been for vengeance, they rose upon the French,

* Hist. des Rep. Ital. tome 3. p. 489.

and four thousand persons were sacrificed in this first night to the popular indignation. The example of Palermo influencing the rest of the island, the insurrection was slowly diffused through all the other towns and villages, and before the end of the month of April the French governor, with the remnant of his troops, was forced to retire to the other side of the strait. To the credit of the Sicilian character it should be mentioned, that the single Frenchman, who had not disregarded the laws of justice and humanity, was safely and honourably conveyed thither with his whole family.

Still however the revolution was a work of great difficulty, and * would have been impossible if Sicily had not been protected by its insular situation, for the actual loss of men sustained by Charles (*u*) was inconsiderable in comparison with the force which he continued to command; and, even with this advantage of position, Frederic, the third of the Sicilian monarchs, † was at last forced to conclude a peace, by which the reversion of his crown was ceded to the king of Naples. The cession was indeed (*v*) rendered nugatory by subsequent events. Frederic, who died in the year 1337, was succeeded by Peter his eldest son, who however

* Hist. des Rep. Ital. tome 4. p. 3. † Ibid. p. 131—133.

reigned but a few years; and at the death of the latter, as he left only an infant son, and the Spaniards were at this time become odious, a powerful party was formed to invite Robert king of Naples to take possession of the kingdom; but that prince was then himself at the point of death, and having no male issue, was bequeathing his own kingdom to a long series of confusion and misery. In the year 1442 the succession was even reversed, for the family of Aragon added to their island the continental territory which had been held by the French princes.

The war occasioned by the revolution of Sicily had a twofold operation. * By occupying and exhausting the whole energy of the Angevine princes, it suffered Italy to recover that independence, which the great power of Charles had at first so much endangered. On the other hand, it dissolved the connection which had subsisted since the revolution between Sicily and Aragon. † The exposed situation of Aragon, which had been attacked by the united forces of Castile and France, had induced its kings to abandon the cause of the Sicilians; and these in their turn renounced all connection with the country of their sovereigns, though they continued to adhere to the succession.

* Hist. des Rep. Ital. tome 4. p. 2, 3. † Ibid. p. 93—96.

In reviewing the entire progress of these arrangements of the two Sicilies we cannot fail to remark a very extraordinary adaptation of their parts. If Charles of Anjou had been originally a less considerable prince, he could not have been rendered so instrumental in procuring from the emperor Rhodolph a final admission of the territorial pretensions of the Roman see; and if with his original possessions he had combined the undisputed sovereignty of the two Sicilies, that see would but have exchanged a distant master, who was embarrassed by the difficulties of an elective and scarcely connected government, for a prince in its immediate vicinage, who could exert much greater power, though the ruler of dominions much less extended. The revolution which separated the Sicilies effected the necessary reduction of the power of the French prince; and at the same time constituted a political balance of the two kingdoms of Naples and Sicily, which was indispensable to the independence of Italy, when the emperors had lost all their authority, and the pontiffs had even retired into a voluntary exile.

(*a*) The kingdom having been founded by Roger, who first established himself in the

island, the name of the island appears to have been on that account applied to the continental provinces.

(*b*) Sicily extends about 170 British miles in length, and 70 in breadth; the continental provinces exceed 300 in length, and extend 100 in breadth. Pinkerton's Mod. Geog. vol. 1. p. 638.

(*c*) Giannone, lib. 10. cap. 11. sez. 2. This author remarks that the differences between the emperors of the west and the popes, and between the Greek and Latin churches, incited men to apply their minds to study. The monastery of Cassino had been built by Benedict in the year 529. Ibid. lib. 3. cap. 6. sez. 4.

(*d*) To Benedict IX, who had become pope in the year 1033, and held the papacy during twelve years, the most excessive profligacy has been imputed by another pope, Victor III, who was then his subject, and forty years afterwards his successor. When the emperor Henry III. arrived in Rome in the year 1046, he found three popes. Hist. des Rep. Ital. tome 1. p. 176—178. These were the irregularities, which occasioned and facilitated the interposition of Henry III; which interposition gave occasion to the great struggle of Gregory VII. with his son Henry IV.

(*e*) The kingdom of Naples continued to be a fief of the church of Rome in consequence

of this investiture, which the Normans willingly accepted, that they might obtain a sanction for their conquests. Ibid. p. 278. Sicily however became independent of the Roman see, when Peter of Aragon effected the revolution of the *Sicilian vespers*, in opposition to Charles of Anjou, who was protected by the pope. Giannone, lib. 26. cap. 2.

(*f*) Hist. des Rep. Ital. tome 1. p. 196. The Normans on this occasion committed great destruction, and from that time the ancient city has remained almost deserted, the population having been removed beyond the Capitol into the Campus Martius. The pope retired to Salerno, where he died in the following year. Ibid. p. 197.

(*g*) Boemond and Tancred, celebrated by Tasso, were the son and the nephew of Robert Guiscard: Boemond was a son of Robert by a first marriage, the dissolution of which reduced him to a state of bastardy. Ibid. p. 289.

(*h*) The title was however confirmed to him by Innocent II. in the year 1139, when he had taken that pontiff prisoner. Giannone, lib. 11. cap. 3.

(*i*) Gregory VII. was advanced to the papacy in the year 1073, Innocent III. in the year 1198.

(*k*) Hist. des Rep. Ital. tome 2. p. 32. Arnold, after his return from France, where he had studied under the celebrated Abelard, preached

at Brescia, in the year 1139, against the corruptions and the ambition of the clergy. Being quickly condemned by a council of Lateran he was compelled to quit Italy, and retired to Zurich, where he preached without restraint; and at the end of five or six years he returned triumphantly to Rome, to give laws to the Roman republic. There he lived in peace many years, protected by the senate and applauded by the people; but at length, to gratify the pontiff, he was seized and delivered up by the emperor Frederic I, and expiated in the flames the dangerous heresy which he had inculcated. Ibid. p. 31—34, 67, 68.

(*l*) His other exploits are briefly mentioned by Mosheim. In Asia he gave a king to the Armenians, and in Europe he exercised the same power by conferring the royal dignity upon the duke of Bohemia and Wallachia: he also excommunicated the king of France, Philip Augustus, for having dissolved his marriage and espoused another princess; and forced him at length to receive the divorced queen. Eccles. Hist. cent. 13. part 2. ch. 2. He indeed indulged himself in a latitude of power, which had not occurred to any preceding pontiff, as he expressly claimed an authority superior to the distinction of right and wrong; for thus he described himself in one of his letters, *qui secundum plenitudinem potestatis de jure possumus*

supra jus dispensare. Schmidt, tome 4. p. 235.

(*m*) He published a crusade against the heretics of the southern provinces of France, which was the first instance of such a war. Dupin, vol. 2. p. 486.

(*n*) The Waldenses, says Dupin, gave occasion for this institution; for as they made profession of renouncing all their worldly goods, of leading a life of poverty, of being constant in prayer, in reading the scriptures, and in preaching, and of practising in the literal sense the advices of the Gospel, so there were several zealous Catholics, who would imitate them: vol. 2. p. 487. These societies, which were at first very numerous, were in the year 1272 reduced to four, the Dominicans, the Franciscans, the Carmelites, and the Hermits of Saint Augustine. Mosheim, cent. 13. part 2. ch. 2.

(*o*) The authority of the senate had been definitively acknowledged in the year 1191 by Celestin III, the immediate predecessor of Innocent III; but in the very next year the Romans suppressed the senate, and in imitation of other cities appointed a foreign and military magistrate, whom they entitled the senator, and invested with all the powers of that body. With this new magistracy, which had subsisted four years, the people were dissatisfied when Innocent III. began his papacy. During the papacy of this pontiff the Romans accordingly

fluctuated between the government of one and that of many senators, as their ancestors had fluctuated between consuls and military tribunes; but in the year 1207, by the influence of Innocent III, the government was finally vested in a single senator. Hist. des Rep. Ital. tome 2. p. 308—310.

(*p*) By the charters of Rhodolph the state of the church acquired the extent, which it preserved to our own days. Ibid. tome 3. p. 462.

(*q*) Charles, count of Anjou in his own right, had acquired those other domains by his marriage. Giannone, lib. 19. cap. 1. sez. 1.

(*r*) Germany was then distracted by the competition of Alphonso of Spain and Richard brother of Henry III. of England, candidates for the crown.

Perhaps to these observations should be added the consideration of the very distressed state of Hungary, which had been invaded by the Mogul Tartars in the year 1241. That country did actually within a few years form a political connection with the Neapolitan kingdom by an intermarriage of the royal families, and at the close of the third reign of the French dynasty the Hungarians became a principal faction in the distractions of the government: but Bela IV, who was king of Hungary when the pontiff was looking for a champion, was so far from

being able to conduct an army into Italy, that he never ceased to importune the pontiff for his aid against the invaders of his own dominions. Schmidt, tome 3. p. 540. Giannone, lib. 21. cap. 3. lib. 23. Hist. des Revol. de Hongrie, tome 1. p. 16. Haye 1739.

Genghis Khan had founded the empire of the Mogul Tartars in Asia between the years 1206 and 1227. His son and successor Octai, in the year 1236, rendered Russia tributary: the Moguls however continued their irruptions into that country, and extended them into Poland; and in the year 1241 laid waste Silesia, Moravia, and Hungary. Frederic was at this time so embarrassed by his struggle with the Roman pontiff, that he was unable to oppose any considerable resistance to the incursions of these Tartars, and Europe was saved from the torrent chiefly because its violence was at length exhausted. Schmidt, tome 3. p. 540—542. Pfeffel, tome 1. p. 358.

(*s*) Before the commencement of the French dynasty Palermo had been the capital of the kingdom; but Charles fixed his residence at Naples, which from that time continued to be the seat of government. This prince was desirous of watching the pope, and maintaining an easy communication with his other territories. Giannone, lib. 20. cap. 1. sez. 2.

(*t*) " By that last outrage, which in all places

has precipitated the fall of tyrants, the women were exposed to the brutality of the soldiers." Hist. des Rep. Ital. tome 3. p. 480.

(*u*) The massacre had taken from him but four thousand soldiers, whereas for an expedition to the east he had assembled ten thousand horsemen, and a proportional number of infantry. Ibid. tome 4. p. 1.

(*v*) Giannone has noticed this as an evident instance of the manner in which fortune sports with men; for, says he, when Charles I, Charles II, and Robert, during sixty years successively, had harassed the island without being able to recover it, fortune, as if in derision, reserved the offer of it for Robert when he was at the point of death: lib. 22. cap. 3. I should rather choose to call it an instance of that overruling providence, by which the great drama of the world is conducted to its catastrophe.

LECTURE XXI.

Of the history of the Spanish Peninsula from the beginning of the Gothic kingdom in the year 472 to the beginning of the fourteenth century.

Gothic period.

Spain conquered by Euric	472
Suevians united to the Goths . . .	584
Arianism renounced by the latter .	587
Kingdom begins to decay	704
Overpowered by the Moors . . .	714

Christians.		*Moors.*	
		Moorish government . . .	714
Kingdom of Oviedo . . .	718		
		Spanish caliphate	759
Kingdom of Navarre . . .	827		
Kingdom of Oviedo becomes the kingdom of Leon . .	886		
Old Castile added to it . .	939		
		Spanish caliphate ended . .	1027
Kingdom of Aragon separated from Navarre . .	1035		
A province of New Castile begun	1085	Toledo taken by the Christians	1085
Kingdom of Portugal separated from Castile . .	1139		
Catalonia acquired by Aragon	1153		
		Moors overthrown at Tolosa	1212

Christians.		*Moors.*	
Majorca acquired by Aragon	1229		
Kingdom of Leon becomes the kingdom of Castile	1250		
Minorca acquired by Aragon	1232		
		Cordova taken by the Christians, and the kingdom of Granada founded by the Moors	1236
Valentia also	1238		
And Sicily	1282		

THE four countries of Europe which have been hitherto considered, are all which can be considered as in any degree combined into a system of political action, in the period preceding the fourteenth century. Even these indeed in that early period constituted two combinations almost entirely distinct, which were afterwards united into one system: but the Spanish peninsula, though not even then destitute of some important relations to the incipient system, was scarcely at all connected with it by any political agency, and was during that period almost wholly engaged by domestic agitations, preparatory however to the combinations of a later and more matured arrangement of the policy of Europe. This period of the history of the Spanish peninsula is therefore as directly contrasted as is possible to the subject of the immediately preceding lecture. Instead of exhibiting a

people subordinate to the changing interests of neighbouring states, and successively assuming the modifications which might best correspond to them, it presents one which formed a political whole within itself, maintaining a very complex system of interior operations, and with little present relation of policy to other governments, adjusting itself to the functions which it was afterwards to discharge.

Those other relations which subsisted between the peninsula and the general system, in this early period of modern history, arose from the local position, which rendered the peninsula the theatre of the mutual struggles of those contrasted nations, that from the north and from the south endeavoured to possess themselves of the seats of ancient civilization. When the rude barbarians of Germany had overthrown the empire of the west, and formed new sovereignties out of the fragments of its dominion, another race of barbarians, less capable of substantial and permanent improvement, but more ardent of imagination, and therefore well qualified to communicate the exciting impulses of genius and refinement, rushed from the countries of the south to participate the spoil. Spain, lying nearest to the territory of these new invaders, was rapidly subdued, and so firmly was their dominion established on the ruins of that of the northern conquerors of the peninsula, that (*a*) almost eight centuries were exhausted, before the re-

action of the vanquished power was able to effect its entire destruction. In that protracted struggle the characters of the two nations were intermixed and blended. The contest of so many centuries could not be a mere array of Arabians or Moors against Goths, for in so long a period policy, and even necessity, would occasionally introduce the intercourses of peace, and the treason of the disaffected would often seek alliance and assistance among the hostile people. The Moors of Spain in this manner acquired a character distinguishable by its European habits from that of the other tribes of the Mahometan nations; and the Christians of that country, stimulated by the example of their adversaries, learned to unite the ardour and the magnificence of southern imagination with the soberminded steadines of the people of the north. Spain was accordingly the peculiar region of romantic chivalry, as it was there too that the popularity of its legendary extravagances received a death-wound from the genius of Cervantes: and Spain was also the country, which conveyed to the rest of Europe the treasures of Greek and oriental learning, collected by the Arabians as the richest trophies of their successes; and probably was also the source of that poetry, which flowed from the southern provinces of France into Italy, where it was blended with the pure stream of classical anti-

quity, to compose with it the poetry of modern ages. These effects appear to have resulted from the occasional, but frequent commixture of the Moors with the Christians. From the more prevailing hostility of the two nations arose among the latter the sublimated and fiery zeal for religion, which in later times has rendered them the devoted adherents of the faith of Rome, and even in the present day has distinguished their character.

This great peninsula * extends from west to east about six hundred miles, and more than five hundred from north to south; and is connected with the rest of Europe only where the Pyrenean mountains form a grand barrier of natural defence. Nor is it simply by its magnitude, and its outline of sea and mountain, that it has been designated by nature for an appropriate destiny. Separated from Africa by a very narrow strait, it was commodiously situated for inviting the ambition of its Moorish invaders, and permitting them to maintain their establishment through a long succession of centuries; placed at the extremity of the Mediterranean, it enjoyed a position favourable to the commercial industry of its new possessors, while *(b)* its mines of the precious metals supplied the most attractive and convenient objects of

* Pinkerton's Mod. Geog. vol. 1. p. 402.

exchange; and in the interior disposition of its surface it appears to have been expressly formed for becoming the field of a protracted warfare, in which a sufficient obstacle should be presented to an entire conquest, and a provision should be made for a resistance to be finally successful. Of the ranges of the Spanish mountains, so characteristic of the country that they have obtained the peculiar name of *sierra*, * one in particular separates from the other districts the northern part of Galicia, with Asturias, Biscay, and Guipuscoa. By this range it was that the progress of the Moors was checked, when their light cavalry had scoured all the other provinces; here it was that a remnant of the Gothic monarchy was securely sheltered from the violence of those fierce invaders; and from this strong hold was the force poured forth, which by slow advances held on its progress even to the southern extremity of Spain. In this progress † four other ranges, which had not been sufficiently difficult to restrain the inroads of the Moors, were however serviceable by affording successive frontiers to cover the advances of their slowly returning enemies. Kingdom after kingdom was accordingly acquired by the Christians; the Moorish dominion

* Townsend's Journey, vol. 1. p. 248. † Pinkerton's Mod. Geog. vol. 1. p. 430, 431.

was gradually contracted to the single, but important territory of Granada, where it long maintained the contest; and the reduction of this last possession at length completed the overthrow of the infidels, and the triumph of their antagonists.

The peninsula had been secure from the aggressions of the northern nations, as long as its natural boundary of mountain was guarded by the native troops. It was exposed to their inroads * when these had been compelled to yield the defence of their country to the bands of the emperor Honorius; and accordingly in the year 409 the Suevi, the Vandals, and the Alani, spread themselves over almost all its provinces. In the year 414 the Visigoths first entered this country, but as friends of the emperor, and enemies of the invaders, † their king Adolphus having, after the death of Alaric, concluded a treaty of alliance and friendship with the emperor, whose capital his predecessor had recently plundered. The success of Adolphus was limited to the surprise of Barcelona, where he perished by the hand of an assassin; but the enterprise was resumed by Wallia, who renewed the engagement of fighting in the cause of the empire, and fulfilled it

* Decline and Fall, &c. vol. 3. p. 265—267. † Ibid. p. 251.

by surrendering the extensive conquests of three years to the imperial authority. The reward of Wallia was * the possession of the second Aquitaine, a province of Gaul between the Garonne and the Loire, together with some neighbouring dioceses; and Toulouse became the capital of the new Gothic monarchy, which was thus founded in the year 419. The kingdom was however a member of the Roman empire, its princes acknowledging themselves to be bound by the duties of allegiance and military service, and soliciting the rank of master-generals of the imperial armies.

For the subsequent settlement of the Goths in Spain a various preparation appears to have been made. The Suevi, the Vandals, and the Alani had already broken down the provincial government of the empire, which had been long and firmly established. This was the sole office for which the extreme barbarism of these first conquerors was qualified, and the formation of a new government was transferred to a people, which had enjoyed some opportunity of previous improvement. The Vandals prevailed over the other tribes, and incorporated with themselves the remnant of the Alani, so that the earlier invaders were reduced to the Vandals and the Suevi, of which † the former

* Decline and Fall, &c. vol. 3. p. 270—271. † Ibid. p. 335.

were soon induced to remove into Africa. Boniface, the imperial governor of the African province, had been deceived by the intrigue of a rival into a belief, that his destruction was the object of an order recalling him to Rome, which that rival had himself secretly procured; and driven into rebellion by this double artifice, he sought for succour among the enemies of his country, and found the Vandals eager to engage in a new enterprise of conquest and devastation. The departure of these barbarians occurred ten years after the commencement of the Gothic kingdom of Aquitaine. The Suevi, who remained in Spain, continued with diminished violence the distractions of the peninsula, and afterwards became a subordinate, though an important member of the Gothic government of that country.

The Gothic kingdom, which had been erected in Gaul, was, on the other hand, during fifty-two years, a school of improvement to this other race of Germans. Established in a province distinguished by its elegance and industry, maintaining some, though an uncertain connection with the declining empire, and therefore necessarily attaining to a farther knowledge of the Roman usages and refinements, the Visigoths of Aquitaine were most favourably situated for forming the habits, which would best fit them for erecting a new government on

the foundation already in a considerable degree cleared for them by the Vandals and Suevi. * Thirty-two years of that number in particular were occupied by the reign of Theodoric, who, while he governed his kingdom with vigour, was careful to educate his sons in the study of the Roman jurisprudence, and in an acquaintance with the charms of the poetry of Virgil.

The decay of the western empire afforded to the Visigoths an opportunity which they did not neglect. The territory of Narbonne † was, in the year 462, annexed to their original settlement, by which acquisition they were brought into contact with the Spanish peninsula; and, in the year 471, Euric their king commenced the conquest of that country, which ‡ he completed within a year, the Suevi being reduced to hold their kingdom of Galicia under the dominion of the Gothic government. Nor were the efforts, or the successes of Euric, confined to the peninsula; ‖ in Gaul too he added so much to the Gothic territory, that throughout the country extending from the Pyrenees to the Rhone and the Loire, the cities or dioceses of Berry and Auvergne alone rejected his authority, and these too were afterwards reduced. The reign

* Decline and Fall, &c. vol. 3. p. 397—399. † Ibid. p. 481. ‡ Revol. de l'Espagne, tome 1. p. 110, 111. Paris 1729. ‖ Decline and Fall, &c. vol. 3. p. 481.

of Euric was the epoch of the legislation, equally as of the formation of the Gothic monarchy of Spain; for he took care to compile the usages of the Visigoths into a system of laws, and began that code, which the historian of the Roman empire * has pronounced to be superior, in its civil jurisprudence, to the laws of the Burgundians, and even to those of the Lombards.

A monarchy embracing the whole of the Spanish peninsula, together with a large and valuable portion of Gaul, would, in the ordinary course of events, have been too powerful to permit the establishment of the peculiar monarchy of the latter country. That it did not overbear and suppress the little kingdom of Clovis, which began its existence in the year 481, and made its first struggle for power in the year 486, has been judiciously ascribed † by the same historian to causes merely personal and contingent; to the premature death of the Gothic king, to the helpless infancy of his son Alaric, and to the youthful spirit and ambition of the founder of the French monarchy. Such indeed was the influence of these personal circumstances, that the preponderance was even reversed in favour of the Franks. The Gallic

* Decline and Fall, &c. vol. 3. p. 610, note 125. † Ibid. p. 559.

territory of the Visigoths was accordingly reduced, in the year 508, to a narrow tract of sea-coast, extending from the Pyrenees to the Rhone, and serving to form a communication with the Gothic kingdom of Italy.

The long period of history, which I propose to review in this lecture, naturally divides itself into two principal parts, the former comprehending the duration of that Gothic sovereignty, which constituted the basis of the modern polity of the peninsula, the latter including the interval between the commencement of the Mahometan dominion and that of the fourteenth century. The former, which may be called the Gothic period, comprised two hundred and forty-two years; the latter was a series of five hundred and eighty-six, though it wanted one hundred and ninety-two more, for completing the entire duration of the Spanish establishments of the Moors.

One of the distinguishing characters of modern Spain has been, in all its periods, an ardent attachment to that form of Christianity, which was embraced by the church of Rome. The (*c*) seventeen councils of Toledo attest the zeal and the orthodoxy of the earlier church of that country; and the authority of the Inquisition, maintained there even in this age of philosophy and independence, has marked it in more modern times as the peculiar region of ecclesiastical in-

fluence. If we enquire into the origin of this devotedness to the sway of Rome, we shall discover causes beginning in the very first composition of the modern polity of the peninsula, and acting with a force continually augmented to the period of its completion.

The Roman province of Spain, which had been reduced a century and a half before the conquest of Gaul was completed, * had enjoyed four centuries of tranquil prosperity, and could boast of five cities, Emerita or Merida, Corduba, Seville, Bracara, and Tarragona, reckoned among the most distinguished of the empire. Though therefore it was overrun and ravaged by the fierce barbarians of the north, a much superior population of the original inhabitants must have remained, to oppose to the innovations of the new order of things the strong power of ancient habits and opinions. These original inhabitants had of course been nurtured in the faith of Rome, which they had so thoroughly imbibed, that the Spanish bishops can claim the earliest example of the civil prosecution and punishment of heretics, in the sentence of death pronounced against (*d*) Priscillian and his followers towards the conclusion of the fourth century. Such were the people, whom the Arian Goths compelled to a reluct-

* Decline and Fall, &c. vol. 3. p. 265.

ant submission; numerous enough to be able to bear up against the opinions of their rulers, and bigotted enough to be persuaded that religion should be maintained by violence. With such a people the heresy of their Gothic masters could operate but as a strong excitement of the fervour of their religious profession. The presence of heretics would of itself encrease the attachment of the orthodox to their sounder faith, but the heresy of conquerors and barbarians would act with yet more decisive influence.

While the Gothic government served thus by its general character to animate the original population to a more strenuous perseverance in the principles of the Romish faith, some support was furnished to their tenets by a part of its construction. The Suevi, who held Galicia in a dependence on the monarchy of the Goths, * maintained the Athanasian doctrine, probably because, like the Franks, they had received their knowledge of Christianity after they had established themselves within the ancient empire. When therefore this people was incorporated into the Gothic monarchy, a great addition of strength was given to the religious party of the original inhabitants, and accordingly we find that at the expiration only of three years

* Revol. de l'Espagne, tome 1. p. 104, 162.

from that event, the government yielded to the popular influence, and publicly adopted the Roman profession of faith. * In the year 584, or one hundred and twelve years after the conquest of Euric, a disputed succession afforded to the Gothic king an opportunity of reducing the Suevi under his immediate authority; and in the year 587, the succeeding monarch Recaredus declared in a great council, that he renounced the faith of Arius, and was followed by almost all his Gothic subjects, except in the Gallic province.

By the triumph of its success in proselyting a heretical government (*e*) to the creed of Rome, the popular sentiment was naturally confirmed. What yet remained to be supplied for the formation of this part of the Spanish character, was amply furnished by such a discipline as no other nation has ever experienced, that of almost eight centuries of a war with the infidel invaders of their country, which naturally became a religious, not less than a national contest. The case of the French government was different. The Frankish monarchy had been politically connected with Rome by the original conversion of the king and his court from paganism to the tenets of the clergy established in the country; and such a political connection was

Revol. de l'Espagne, tome 1. p. 169, 172, 183—186.

necessary for preparing the earlier relations of the system of Europe: Spain however was long extraneous to the incipient system, and what could there be most useful was such a predisposition of the popular character, as might, when augmented and confirmed by the operation of new circumstances, qualify them to be in a yet distant age the zealous defenders of the papal church.

Of the whole period of two hundred and forty-two years, comprised in the duration of the Gothic monarchy, one hundred and fifteen appear to have been preparatory to these two important events, the incorporation of the Suevi, and the renunciation of Arianism. Thirty-seven years more elapsed before the government was completed by the reduction of the imperialists, who during seventy-two years had maintained an independent possession of some parts of the peninsula. The emperor Justinian * had, in the year *552*, availed himself of the dissensions of the Goths, to obtain the dominion of a district of Spain; and as the schism of the Greek and Roman churches had not then begun, the subjects of the eastern empire supported the religious cause of Rome among those of the Gothic monarchy. This support having ceased to be useful when the Goths had been

* Revol. de l'Espagne, tome 1. p. 135, 136.

proselyted to the faith of the original inhabitants, the independence of the imperialists also ceased in the year 624, when they were finally overpowered by the Gothic king, and one unbroken dominion was extended over the whole peninsula. Ninety years remained, of which the concluding fourteen were the period of decay, preparatory to the overthrow of the government; the kingdom of the Goths may therefore be considered as having subsisted in its integral and perfect state during a period of seventy-six years, a short period for a kingdom, but sufficient for one which was merely the first form of a growing monarchy.

The concluding fourteen years of the Gothic monarchy comprehended the brief reigns of two princes Witiza and Roderic. The former of these has been described by historians as a monster of lust, irritating many of his subjects by his excesses, and corrupting yet more by his example. The evil soon became so general and so grievous, that a conspiracy was formed against him; it was however discovered, and had the effect of adding cruelty to his debauchery, and even of inducing him * to expose the safety of his country, by destroying the walls of almost all his cities, and the arms of his subjects. An open revolt was more successful, and in the

* Mariana, book 6. ch. 8.

year 710 he was driven from that throne, which he had so much dishonoured. Roderic, who was of another branch of the royal family, having been chosen to succeed him, the two sons of the degraded monarch retired into Africa, where they engaged in the treason, which speedily effected the ruin of the government. Nor was the new king warned by the punishment of his predecessor, but he eagerly ran into similar excesses, and endeavoured to secure himself by similar violences. In the irregular government of the Goths so much depended on the personal qualities and conduct of the prince, that two such reigns must have destroyed all its resources of authority, and prepared it for subjugation if any powerful enemy should attempt the conquest; and it happened that a powerful and enterprising enemy was at this very time ready for the undertaking, almost at the very frontier of the country.

That empire, which in the preceding century had been founded in Arabia, had just at this time completed the reduction of Mauritania, while other armies were penetrating into Tartary and India; the Spanish peninsula was therefore separated from this conquering people but by a narrow strait, and whatever difficulty even this opposed, was removed by the treachery, which the corruption and dissension of the Spanish government had engendered. Count

Julian, whose wife is said to have been a sister of the deposed monarch, was governor of that part of Spain adjacent to Africa, and probably also of Ceuta on the opposite shore, which belonged to the Spaniards; to the latter place the sons of Witiza retired, that they might avoid the hostility of Roderic; and there the treason appears to have been concerted, which the post of the count Julian was so well fitted to facilitate. Historians have commonly ascribed the conduct of the count, in part at least, to resentment for violence which had been offered by the king to his daughter Cava; but, besides that Mariana has represented the sons of Witiza as the original authors of the treason, the story of Cava * is not found in any history preceding the twelfth century, and is therefore probably a romantic fiction of a subsequent age. Omitting then all consideration of this popular narrative, I shall only observe that the combination of circumstances, which connected count Julian with the exiled princes, while it placed him in a situation commanding the entrance of the kingdom, was quite sufficient for introducing the Moors into the peninsula. The rashness of Roderic gave a speedy success to the enterprise, by suffering the Spanish army to be brought to a decisive action at Xeres, in the year 714: be-

* Abrege Chron. de l'Hist. d'Italie, tome 1. p. 269.

fore the conclusion of the following year the whole country was over-run except the mountains of Asturias.

Thus perished, says * Mariana, the kingdom and nation of the Goths by a peculiar providence, that out of their ashes might rise a new and holy Spain, greater in strength and dominions, to be the bulwark of the Catholic religion: and we may well admit that this great revolution had a special tendency to create in the minds of the Christians of Spain that extraordinary attachment to the ecclesiastical system of their country, which, while it has fatally repressed among them the spirit of enquiry and improvement, has rendered them, beyond other nations, the zealous adherents of the faith of Rome.

A country abounding in so many natural advantages as Spain, soon converted the ardour of its fierce conquerors from war to industry, particularly when an independent and rival caliphate had been established in it, which (f) naturally became connected by alliance with the Grecian empire, the enemy of the caliphate of Bagdad. The riches of the Moors of Spain have been accordingly described in the most magnificent terms. The revenue of the caliph of Cordova amounted, it is said, to twelve mil-

lions and forty-five thousand dinars of gold, exceeding one hundred and thirty millions of French money. This revenue was supplied from the commercial wealth of the country, which was itself maintained chiefly by the natural resources of the peninsula, silk being almost the only article of manufacture. If commerce were so active, agriculture must have been flourishing, and the country populous. Historians accordingly have assured us, that on the banks of the Guadalquiver there were twelve thousand villages, and that the states of the caliph comprehended eighty great cities, besides three hundred of the second order. That sovereign was perhaps (*g*) the richest and most powerful of the princes of Europe. D. Antonio de Capmany * has lately contended, that the arts and manufactures of Spain have been at all times in a state of inferiority; but his enquiries in regard to its agriculture and population appear to have chiefly related to the Christians of Spain, and can therefore be scarcely applicable to a people so different in all their habits and circumstances as the Moors. These, it is admitted, were not a manufacturing, though a commercial people; and that Spain was then circumstanced favourably for the encouragement of commerce, receives confirmation from

Edinb. Rev. July, 1807.

the account of * the injury, which just a century before their invasion had been occasioned by the bigotry of a Gothic king, who persecuted the Jews.

The industry and wealth of the Moors were embellished by refinement. The first caliph of Spain, who began his reign in the year 759, brought with him from the east the love of literature and magnificence; and one of his successors, who ascended the throne in the year 912, received from the Greek emperor an embassy, which opened to him the treasures of the arts of Constantinople. Under the Moorish government accordingly Cordova became the seat of elegance and letters. Of its elegance Swinburne has collected attestations from the remains which fell under his own observation: and such was the credit of its schools that, notwithstanding the hostile antipathy of the two nations, Alphonso king of Asturias was obliged to seek in them preceptors for his children, and Sancho king of Leon even went there for medical relief. Among the refinements of the Moors of Spain was the excess to which they indulged themselves in the splendid extravagancies of chivalry. The devoted admiration of female beauty, the brilliant pageantry of the tournament, and the ardent desire of distinc-

* Revol. de l'Espagne, tome 1. p. 207.

tion in military exercises, prevailed among them to an extraordinary degree; and no where can they be found represented in more glowing colours, than in (*h*) the romantic history of the civil wars of Granada.

It naturally occurs to consider, whether the chivalry of the Moors had been brought by them from the east, or was acquired during their residence in Europe. The most probable determination is that the system of manners was European in its origin, but that the temper of the Moors imparted to it (*i*) a more animating enthusiasm. The character of romantic gallantry never existed in Asia, the original country of these people; in Africa, through which they had passed, it would be vain to look for it; and since they have been driven from Spain they have lost every vestige of the manners of chivalry: the court of the Gothic kings, on the other hand, exhibited some examples of this spirit in an age preceding the invasion of the Moors; the knights of Leon, Navarre, and Castile were afterwards distinguished for their gallantry, not less than for their achievements; and since the expulsion of the Moors the Spaniards have maintained a romantic elevation of character, beyond every other European nation. The passion and the imagination of the burning climate of Arabia appear to have eagerly embraced a system of manners

formed in other circumstances, but affording them the highest gratification; and thus the more sober chivalry of Europe, adopted by a people among whom it could not have originated, seems to have been exalted to an enthusiasm, with which those who had conceived it were not animated. Perhaps the peculiar attractions of the Spanish women may justly be considered as having contributed to fashion this romantic chivalry of the Moors; the women of Granada certainly have been described by an Arabian historian, who wrote in the year 1378, as possessed of superior charms of grace and conversation, besides merely personal beauty.

From the battle of Xeres, fought in the year 714, to the establishment of the independent caliphate of Spain, elapsed forty-five years, during which the peninsula was governed by the officers of the caliph of Syria. Though such a government could not be as beneficial as that of a resident sovereign, the attention of the Moors was even then directed to the improvement of the country, as well as to the completion of their conquest. The resistance of Pelayo or Pelagius, the first hero of the Spanish Christians, soon suggested to them, that their conquest would be most effectually secured by rendering the people happy under their dominion; the administration was accordingly regulated with care, and the resources of the coun-

try minutely examined and detailed; and within a very few years from the battle of Xeres, Cordova, which was constituted the capital, was embellished by the arts, and graced with the presence of the learned.

The establishment of the caliphate of Spain, which separated that country from the great empire of the Arabs, and converted it into an independent monarchy, was the result of a revolution in the east. When the dynasty of the Ommiades had been driven from the caliphate of Syria by that of the Abbassides, a prince of the degraded family fled into Spain, and was there, in the year 759, acknowledged as the genuine successor of Mahomet. The caliphate of Cordova, thus commenced, subsisted during two hundred and sixty-eight years, being terminated in the year 1027. This was the proper period of the arts and literature of the Moorish government. Abdalrahman, the first of the Spanish caliphs, established schools at Cordova, in which were taught grammar, medicine, mathematics, and astronomy; and, among other embellishments of his capital, commenced the magnificent mosque, which is still an object of admiration. The Moorish grandeur of Spain appears indeed to have been attached to the name of Abdalrahman. Three princes of this name, at intervals, possessed the caliphate one hundred and nine years, each of them illustrious by the regard

which he manifested, for the arts, for poetry, and for philosophy; under the last of them, who died in the year 961, Cordova, we are assured, was the centre of industry, and the asylum of the sciences. This last was the prince, who has recorded for the instruction of posterity, that of fifty years of glory and apparent enjoyment he had experienced but fourteen days of real happiness.

The commencement of the decay of the Moorish government has been fixed at the year 998; twenty-nine years afterwards the caliphate expired in civil war and confusion; and with the caliphate was extinguished the glory of Cordova, which retained only the reputation of its schools, and a religious supremacy derived from the veneration which was paid to its mosque. When the throne of that capital had been thus suppressed, the subject cities became independent, and Moorish Spain was divided into a multitude of little kingdoms. Two hundred years of violence and confusion then prepared the ruin of the Moorish power. At length, in the year 1212, was gained by the Christians the decisive battle of Toloza, a place at the foot of the Sierra Morena; Cordova itself, the Mecca of the west, was taken by them in the year 1236, and the great mosque of Abdalrahman converted into a cathedral; and the possessions of the Moors were reduced to Murcia,

Granada, Seville, and Algarva. In this remnant however of their former territory, valuable for its coast and its internal resources, a new kingdom was founded in the same year with the reduction of Cordova, and Granada chosen for its capital. Unhappily for the Moors, Murcia, Algarva, and the city of Seville, refused to surrender their independence to the founder of the new kingdom, which was therefore confined to the province of Granada; yet such were the resources of this little state, that it suspended during two hundred and fifty-six years the final destruction of the Moorish power. In this interval Granada succeeded to Cordova, as the principal seat of the Moorish arts and learning. That the Moors still retained their superiority in science, was acknowledged by Alphonso the Wise, when he invited their assistance in the construction of his astronomical tables; of their magnificence in the arts the famous Alhambra, a palace built on a hill enclosed within the walls of Granada, still presents in its ruins an admirable and interesting specimen.

From the very commencement of the conquest of Spain a power was prepared, which should maintain a long, and finally successful struggle, for the recovery of this great province of Christendom. When the Moors advanced into the peninsula, multitudes of the inhabitants sought a refuge from the invaders in the moun-

tains of Asturias, and of the adjacent districts. Into these the formidable cavalry of the Moors was unable to make incursions; nor could they be very desirous of penetrating such fastnesses, while France offered to their ambition a much more inviting field of enterprise. Of the immediate occasion, which excited the efforts of these fugitives against the conquerors of their country, an account has been given, similar to that of the establishment of the latter in Spain, which has been already rejected. * Munuza, who, though a Christian, had attached himself to the Moors, and had by them been entrusted with the government of a small town, is said to have become enamoured of the sister of Pelayo or Pelagius, † the grandson of Recesuinthus, one of the Gothic kings, and to have offered her the same outrage, which the last of the Gothic kings is said to have offered to the daughter of count Julian. Whether this really happened, or, like the other narrative, is probably but a romantic embellishment of history, it is certain that Pelagius, in the year 718, began the revolution, which, after the lapse of seven hundred and seventy-four years, was completed in the entire reduction of the Moors. The enterprise is described by the historian, as

* Mariana, book 7. ch. 1. † Revol. de l'Espagne, tome 2. p. 15.

prompted solely by the heroic mind of this prince. In the valley now called Cangas, then Canica, says Mariana, he set up his standard, and beat a drum. Great was the dejection of the Christians, and so far were they from eagerly seconding the magnanimity of Pelagius, that they are represented as interrupting his harangue with their sighs; but they were at length roused to fortitude by the example of his heroism, and they swore to maintain the common cause of freedom to the last extremity. The conduct of the Asturians was proposed to the imitation of the fugitives scattered through Galicia and Biscay, and of the people of the neighbouring towns which had been subjected by the Moors; few however chose to engage themselves in an attempt so perilous, and so hopeless.

Pelagius in a successful reign of nineteen years established the foundation of the new sovereignty. Favoured by the diversion of the Moorish arms to the invasion of France, his petty principality was suffered, with little opposition, to acquire the solidity and strength, which were necessary for its stability. It was also protected by the new-strung vigour of the French monarchy, which had been relaxed by the slothfulness of some of its earlier princes, and was just then braced for exertion by the energy of Charles Martel. In the year 782 the

great and decisive battle of Tours was gained by that gallant leader, and the tide of Moorish hostility was rolled back to the peninsula of Spain.

Pelagius has the glory of having first raised against the Moors the standard of resistance; but his little kingdom was not the sole original of the independence of the Spanish Christians. As the French pressed upon the retiring Moors, the provinces of the peninsula on the northern side of the Ebro became subject to them, and the empire of Charlemagne was accordingly extended to that river. The war in which this acquisition was made by the French monarch, has a sort of classic claim on our attention, his expedition against the Moors of Spain having been the subject of a narrative, which has supplied a considerable portion of the romantic fictions of the middle ages. When the empire of Charlemagne, no longer supported by his powerful mind, had sunk into decay, the little kingdom of Navarre, embracing a territory on either side of the Pyrenees, was formed out of one of its fragments, and gave to the Christians of Spain a new and distinct original of national independence. Charlemagne died in the year 814, and * about the year 827 the people of

* Henault's Chron. Abridgm. Schœpflinus de Regno Navarræ.

Navarre, perceiving that they were neglected by his son and successor Lewis, deemed it necessary for their safety to choose a king, under whose government they might be protected from the Moors. In this manner, more than a century after the beginning of the Asturian kingdom, was founded the other of the two governments, which have transmitted to more modern times the principles of the Gothic monarchy.

The kingdom of Navarre, formed in circumstances of less urgent danger, was organized with more attention to the rights of freedom, than appears to have characterized the constitution of the kingdom of Asturias. * In the very commencement of the government those fundamental regulations were established, which were afterwads distinguished by the name of *the liberties of Soprarve;* and the Aragonians, who derived their laws from the people of Navarre, were celebrated for their political independence. It was the boast of the Aragonians, that among them laws had been ordained before kings were appointed; the reponsibility of their kings was maintained by the creation of a magistrate named *the Justizia,* who judged between them and their subjects; and in their oath of allegiance, which subsisted to the reign of Philip II, they expressly told their sovereign,

* Schœpflinus ubi supra.

(*k*) that they, who were as good as he, and more powerful, chose him to be their king, solely on the condition that he would preserve their privileges. It seems as if two distinct organs were provided for constituting the body of the future monarchy of Spain, one to give it the consistency and vigour of a military and successful government, the other to animate it with the spirit of political independence: various and powerful influences have indeed rendered the united monarchy a despotic government, not even preserving the forms of its ancient liberty; but the independent spirit of the old Aragonians may yet (*l*) exist in the mass, and become in a future age the active principle of important combinations.

The kingdom founded by Pelagius, which was called the kingdom of Oviedo from the name of that city in Asturias, * began in the year 914 to be named the kingdom of Leon, as it advanced into the open country, and the city of Leon became the residence of the court. The province of Old Castile † was added to this growing territory in the year 939; and a province of New Castile was begun in the year 1085, when Toledo was taken from the Moors: but so slightly were these acquisitions connected with the

* Abrege Chron. de l'Hist. d'Espagne et de Portugal, Paris 1765, tome 1. p. 109. † Ibid. p. 118, &c. 194, 324.

other provinces, that Castile at the end of thirty years from the former of these events became an independent district, then attached itself to Navarre, and though at the end of nine years it was again attached to the kingdom of Leon, yet the union was not completed until the year 1230. From this time the government founded by Pelagius assumed the name of the kingdom of Castile, and Toledo was the Christian capital.

The two kingdoms which had arisen out of the ruins of the Gothic monarchy, generated a little system of domestic policy, the relations of which were rendered very complicated by the intermarriages of the royal families, and the practice of dividing a sovereignty among the young princes. The system at length disengaged itself from the confusion which had attended the process of its combination, and the whole resolved itself into four distinct kingdoms, each of the two primary establishments having given being to another distinct and independent government; from Navarre * was separated in the year 1035 the kingdom of Aragon, and Portugal in the year 1139 was in the like manner detached from that of Castile. It may perhaps be shown, that this quadruple arrangement contained a very curious adaptation

* Abrege Chron. tome 1. p. 167, 168.

of its members to peculiar and important functions.

The function of the kingdom of Castile appears to have consisted in maintaining the main struggle with the Moors, and in laying the foundation of the Christian monarchy of Spain. Originating in the mountains of Asturias, it advanced slowly through the interior provinces of the peninsula, pressing on the infidels in front, throwing off on the one side the little, though important kingdom of Portugal, but receiving on the other the additional territory and population of the temporary kingdoms of Aragon and Navarre. The nature of its progress rendered it essentially a military rather than a maritime government; but it acquired in its conquests a tract of sea-coast, which afterwards directed its efforts to maritime discovery.

Portugal, which even to the present day has divided the dominion of the peninsula, was originally a province of Castile, even before the latter had been incorporated with the kingdom of Leon. * In the year 1094 Henry (*m*) of Burgundy, who had gone into Spain in search of military glory, was invested by the king of Castile, whose daughter he had married, with the government of all the Spanish possessions in

* Hist. de Portugal par De la Clede, tome 1. p. 157, Paris 1735.

Lusitania, (*n*) since his time distinguished by the name of Portugal. His son Alphonso succeeded him in the dignity of count of Portugal, which * in the year 1139 he exchanged for the regal character, when his army, just going to engage with a formidable multitude of Moors, and animated by a story of a dream and a vision which he had related to them, saluted him with the title of king. This then is the epoch of the Portuguese monarchy. † Its original capital was Guimarens; as the territory of the new kingdom was extended towards the south, ‡ Conimbra became the royal residence; § nor does Lisbon appear to have been constituted the metropolis until the year 1384, though ‖ it had been taken from the Moors in the year 1147.

The series of princes who governed Portugal to the commencement of the fourteenth century, was, with a single exception, composed of able and active monarchs, well qualified to prepare the foundation, and to raise the superstructure, of the new kingdom. That exception was Sancho II, who ¶ in the latter part of his reign abandoned himself to the influence of favourites, and particularly to that of his queen. This interruption of the prosperity of the growing state,

* De la Clede tome 1. p. 178—180. † Ibid. tome 1. p. 172. ‡ Ibid. p. 229. § Ibid. p. 356. ‖ Ibid. p. 183. ¶ Ibid. p. 219.

which however continued but six years, was the crisis of the establishment of the papal ascendancy over the government of the country. The Roman see availed itself of the favourable opportunity afforded by the misconduct of the sovereign, (o) to transfer the government to Alphonso his brother; and * though this prince afterwards disregarded the promises which he had made to the clergy, as the conditions of his advancement, yet even he, at the close of his life, renounced his opposition to their pretensions, which were at length formally established in the year 1289 *(p)* by a concordate and a papal bull. The prince in whose reign this final victory was gained by the church over the crown, was notwithstanding in other respects the glory of Portugal. Denis I, who ascended the throne in the year 1279, † is described as possessed of every royal virtue; just, patriotic, active, and attached to letters, he added to the glorious title of father of his country, that of the father of the Portuguese muses: he was well disposed to restrain the encroachments of the ecclesiastics; but he felt the power by which his genius was controlled, and he submitted without a struggle to its inevitable sway.

The kingdom of Portugal was in this early

* De la Clede, tome 1. p. 234—243. † Ibid. p. 259, &c.

period of its history a powerful auxiliary of Castile in its struggle with the Moors, its appropriate function being reserved for another and a distant age. Formed in a narrow country, which bordered the Atlantic ocean, and reached to the vicinage of Africa, it was tempted to try the hazards of maritime adventure, and conducted to the circumnavigation of the southern continent, and to the conquest of India; in that distant country it again encountered the votaries of the Koran, and exercised against them the heroism, which had been disciplined in the long contests of the peninsula, while the chances of naval discovery procured for it the acquisition of a nearer and more permanent dominion in the western world.

Navarre, the other of the two original governments erected from the ruins of the Gothic monarchy, appears to have had a destination very remote from military or maritime enterprise. Extending across the natural barrier of the peninsula, and possessing one province in France and another in Spain, it formed an organ of communication between the two countries, which conveyed the gallantry and intellectual refinement of Moorish Spain, to excite those earlier efforts of modern poetry which distinguished the southern provinces of the neighbouring kingdom. The diffusion of these influences must have been much facilitated by the

existence of a government belonging partly to each of the two great countries, on the common frontier of which it was established. Even the political disadvantage of the situation of Navarre must have cooperated to direct its people to the pursuits of genius and refinement. From the time when Aragon became a distinct kingdom, Navarre was shut in from every opportunity of attaining to political greatness, being wholly separated from the territory occupied by the Moors; it was not therefore led to take a principal share in the domestic crusade, which so much occupied the attention of the other Christian states of the peninsula, but was left in sufficient leisure for seeking its gratification in the cultivation of the elegance and literature, which were presented to their imitation by the common enemy.

This little state indeed ceased to maintain its independence even within the period comprehended in the present lecture; for * in the year 1234 it passed in consequence of a marriage into the family of the counts of Champagne, and again, in the year 1284, in consequence of another marriage into the royal family of France. Still however it was distinct from the Castilian government, and probably could not have maintained that distinctness but by the

* Henault's Chron. Abridgm. vol. 1. p. 190, 205.

aid of a connection thus powerful. It appears * that before the connection was formed with the royal family of France, Castile had been able to reduce Navarre to some kind of dependence, so that the latter state paid homage to the former; but that this dependence entirely ceased when such a powerful protection had been obtained. If Navarre had been united with Castile, it must have been involved in the contentions of Spain, and thus have lost its appropriate character; connected with the crown of France, and yet too distant to be much influenced by its political interests, it continued to be useful in maintaining the intellectual communication of the two countries.

Aragon, the progeny of Navarre; had for some time only a function similar to that of the parent state. Stretching along the skirts of the Pyrenees to their eastern termination, Aragon formed, like Navarre, a communication between the two adjacent countries, and was even, like the latter, (*q*) united in government with the southern provinces of France. Some influence of this relation may accordingly be discovered in the characters of its princes, † two of whom have been admitted into the series of the troubadours. But in the progress of this

* Abrege Chron. de l'Hist. d'Espagne et de Portugal, tome 1. p. 410. † Hist. Litt. des Troubadours, Paris 1774.

state towards its maturity it acquired another character, and became engaged in very different relations. In the year 1153 * the reduction of Catalonia was completed, and the kingdom, having thus been extended to the sea-coast, began to be a maritime state; the influence of this new character was manifested in the year 1229, † when the conquest of the Balearic islands was begun with the acquisition of Majorca. Again in the year 1238 the Aragonian territory was enlarged ‡ by the reduction of Valentia, and within forty-four years the augmented energy of its resources, and its encreased connection with the sea, were displayed § in effecting the acquisition of Sicily. Aragon may therefore be regarded as a little state, which discharged indeed a function of communication similar to that of Navarre, but was chiefly, and more appropriately employed, in maintaining the political relations of the Mediterranean, by connecting itself first with the islands adjacent to the Spanish coast, and then with the more important island of Sicily. This last acquisition however, though it continued to belong to the reigning family of Aragon, was separated from its crown at the end of four years.

* Abrege Chron. tome 1. p. 253. † Ibid. p. 322.
‡ Ibid. p. 332, &c. § Lecture 20.

Thus have we seen this interesting country slowly uniting itself into one great Gothic monarchy, in the former part of the period reviewed in this lecture, such a general monarchy constituting the fittest preparation for the subsequent restoration of the Christian dominion of the peninsula; then subjected to the violent action of a successful invasion, which communicated the exciting influences of the ardent temperament of a more southern region, of the refinement of a nation of conquerors enriched with the spoils of civilization, and of the sublimated zeal of a religious war continued through a long succession of ages; and in its restoration from the overwhelming force of this attack, resolving itself into four distinct governments, one of which was destined to become the predominant monarchy, and the others were political organs appropriated to various functions. Of the three lesser governments Portugal, (*r*) being locally connected with the ocean, the grand scene of maritime adventure, attained to a temporary greatness, and has maintained a permanent distinctness; the others, having but temporary functions to discharge, were after a time absorbed into the Castilian monarchy, and contributed to compose with it the principal government of the peninsula.

(*a*) The battle of Xeres was fought in the

year 714, and Granada was reduced in the year 1492; the interval comprehended 778 years.

(*b*) We are told by Mariana (book 1. ch. 4.) that a great fire, which happened among the Pyrenees, first discovered those treasures, by melting the veins which traversed the mountains; but the story appears to have no other foundation than a fanciful etymology of the name of the Pyrenees. At a later period, two hundred and fifty-two years from the building of Rome, many earthquakes, which caused the earth to open in several places, are said to have again revealed the metallic riches of this country, and again to have invited the resort of foreign nations. Ibid. ch. 6. Strabo informs us that, in the time of the father of Hannibal, the Spaniards were so wealthy, that their mangers and water-troughs were made of silver. Rerum Geog. lib. 3. In the time of Hannibal several mines were discovered, which were called *his wells*. Mariana, b. 2. ch. 3. And when the Romans had effected the conquest of this country, their revenues were encreased by the improved management of these its natural treasures. Ibid. ch. 8. Mr. Pinkerton has remarked from Pliny, that the fairest of all silver was found in Spain, where the pits begun by Hannibal lasted to his time; and from Strabo, that the precious metals were there most abundant, and of the best quality: at present, he adds,

almost the only mines of the precious metals in Spain are the silver-mines of Guadalcanal in the Sierra Morena. Mod. Geog. vol. 1. p. 438, 439. It is remarkable, that the Spanish provinces of America should bear the same relation to the rest of the world, which had been before borne by the mother-country.

(*c*) Of these the first preceded the commencement of the Gothic monarchy, the last was held in the year 694, or twenty years before its termination. Sum. Conc. et Pont per Carranzam, p. 151, 487.

(*d*) Priscillian was of the sect of the Gnostics, who even in the apostolic age had corrupted Christianity, by a mixture of the oriental philosophy concerning the origin of evil and the creation of the world. This heresy had been brought from Egypt into Spain in the beginning of the fourth century. Priscillian was put to death in the year 384. Mosheim, cent. 4. part 2. ch. 5.

(*e*) The original missal of the Spaniards, which was named the Mosarabic, differed in some particulars from that of the Romish church: and it is characteristic of their blended spirit of war and devotion, that in the year 1088 the pretensions of the two forms of public worship were referred to the issue of a duel. The champion of the Spanish ritual prevailed, and, an appeal being made to the ordeal of fire, the Mosarabic

liturgy was but little injured, though that of Rome was wholly consumed; the power of the king however decided in opposition to both these determinations. De la Clede, tome 1. p. 154. Mariana indeed says, that the ancient form was preserved in the ancient churches: book 9. ch. 10. It differed from the Roman ritual only in a few prayers, and in the transposition of the ordinary ceremonies of the mass. Burgoanne's Travels. The name *Mosarabic* Mariana supposes to have been formed from the name *Mixtiarabes*, which was given to the Christians living among the Moors.

(*f*) Precis Historique sur les Maures d'Espagne. I have in vain endeavoured to procure a copy of the history of the Moors in Spain and Africa, written by Cardonne, and have therefore been forced to content myself with the brief, but distinct and apparently well authorized account, which Florian has prefixed to his romance of Gonsalvo.

(*g*) As a proof of this extraordinary opulence Florian has quoted from Cardonne an account of a present, which Abdalrhaman III. received from his chief visir, as originally given by an Arabian historian. It consisted of 400 pounds of gold, 420,000 sequins in ingots of silver, 420 pounds of the wood of aloes, 500 ounces of ambergris, 300 ounces of camphor, 30 pieces of silk tissued with gold, 10 precious furs, 10 others

of less value, 48 rich housings, 4000 pounds of silk, 30 Persian carpets, 800 suits of armour for horses, 1000 bucklers, 100,000 arrows, 15 Arabian horses for the caliph, 100 others for his officers, 20 mules with their caparisons, 40 young boys, and 20 young girls of extraordinary beauty.

(*h*) A history of these civil wars has been published in the Spanish language by Ginez Perez de Hita. This Florian considers as translated, or at least imitated, from an Arabian original.

(*i*) As an instance of their gallantry it may be sufficient to relate that, in the year 1139, a Moorish army abandoned the siege of Toledo, when the queen of Castile, who was shut up in the city, upbraided them with the cowardice of besieging a female. Abrege Chron. tome 1. p. 242.

(*k*) Nos que valemos tanto cómo vos, qué podemos mas que vos, os hazemos nuestro rei, con tal que guardeis nuestros fueros; sino no. Precis Hist. par Florian.

(*l*) The memorable sieges of Saragossa and Gerona, and the heroic resistance of Mina in Navarre, have lately given an abundant confirmation of this remark.

(*m*) He was descended from Hugh Capet by his father, and by the female side from the

counts of Burgundy. De la Clede, tome 1. p. 160.

(*n*) The country was anciently called Lusitania, then Suevia from the Suevi, and afterwards again Lusitania, when the Suevi had become subject to the Goths. The modern name was formed by compounding those of Porto and Cale, two towns on the contrary sides of the Douro. Ibid. p. 171. The modern Portugal however contains a larger territory than the ancient Lusitania. Ibid. 168.

(*o*) The pope indeed thought it proper to declare, that he did not pretend to take the kingdom from the king, or from his legitimate son; but merely to provide for its welfare during his life. Ibid. p. 225.

(*p*) This constitution, which ordains the entire independence of the ecclesiastical authority, is sanctioned by a declaration that, in case of its infringement, the king within a specified time after one admonition should be subjected to an interdict, and that after a second he should be excommunicated, the interdict extended to the whole kingdom, and the people discharged from their allegiance. Ibid. p. 243.

(*q*) In the year 1179 Alphonso II. of Aragon received the homage of the viscount of Nismes, and of other lords, who were desirous of procuring his support against the count of Thoulouse. Abrege Chronol. tome 1. p. 277. In the year

1258 a treaty was concluded between James I. of Aragon and Lewis IX. of France, by which the former renounced all his rights in Provence, and in all places of Languedoc except Montpellier, which last was afterwards acquired by Philip VI. of France. Cerdaigne and Roussillon remained to Aragon. Ibid. p. 353, 354. These were in the year 1462 granted to Lewis XI. of France as a mortgage, but in the year 1493 were restored to Aragon by Charles VIII. Roussillon was conquered in the year 1640 by Lewis XIII. of France, and Cerdaigne was likewise acquired by France in the year 1707. Henault's Chron. Abridgm.

(r) This little kingdom extends about three hundred and sixty British miles in length, and about one hundred and twenty in breadth. In square miles it does not much exceed the fifth part of the territory of Spain, the former being estimated to contain about 27,280, the latter about 148,000. No natural boundary divides the two countries. Pinkerton's Mod. Geog.

To complete this review of the period preceding the fourteenth century five other lectures must still be added, in which are considered chivalry, the causes and consequences of the

crusades, literature, and commerce. Those now published may however be sufficient to enable the reader to form a judgment of the foundation and of the *basement-story* of the edifice which I am constructing, though the various members, the proportions, and the general effect of its *elevation* can be conceived only with the assistance of the remainder of the course.

END OF THE SECOND VOLUME.

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